

# DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving only building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

**Note:** All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Greg Hickey & Triona O'Donoghue
Contact name (only applicable for companies)	c/- Patrick Clifton, GMA Certification
Postal address (P.O. Box or street address)	PO Box 831
Suburb	Port Douglas
State	Qld
Postcode	4877
Country	Australia
Contact number	0438 755 374
Email address (non-mandatory)	Patrick.c@gmacer.com.au
Mobile number (non-mandatory)	0438 755 374
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20201835

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

**Note:** Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

#### 3.1) Street address and lot on plan

- ☒ Street address **AND** lot on plan (all lots must be listed), **or**  
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
	12	26-30	Macrossan Street	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	37	SP129137	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

#### 3.3) Additional premises

- ☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application  
☒ Not required

#### 4) Identify any of the following that apply to the premises and provide any relevant details

- ☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- ☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**5) Are there any existing easements over the premises?**

*Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).*

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

#### 6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☒ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☒ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☒ Code assessment    ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Change of use from Multiple Dwelling (Tourist) unit to Multiple Dwelling unit

e) Relevant plans

**Note:** *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).*

- ☒ Relevant plans of the proposed development are attached to the development application

#### 6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use    ☐ Reconfiguring a lot    ☐ Operational work    ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit    ☐ Preliminary approval    ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment    ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

**Note:** *Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).*

- ☐ Relevant plans of the proposed development are attached to the development application

#### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

- ☒ Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

### Division 1 – Material change of use

**Note:** This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Multiple Dwelling unit	Multiple Dwelling unit	1	85
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input checked="" type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

**Note:** This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

### Division 3 – Operational work

**Note:** This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

### 17) Does this development application include any aspects that have any referral requirements?

**Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

#### Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

#### Matters requiring referral to the **local government:**

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the <b>Chief Executive of the distribution entity or transmission entity:</b>
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul>
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council:</b>
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the <b>Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:</b>
<input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the <b>relevant port operator</b> , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b>
<input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b>
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b>
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
<b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>• that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☒ Yes – provide details below or include details in a schedule to this development application  
☐ No

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	TPC 874	22 May 2000	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached  
☒ No

23) Further legislative requirements

### Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below  
☒ No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

### Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.



### **Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.  
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### **Environmental offsets**

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work which is assessable development under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Water resources**

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the *Water Act 2000***?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

### **Waterway barrier works**

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

### **Marine activities**

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development  
☒ No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application  
☒ No

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
  - ☐ A certificate of title
- ☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below  
☒ No

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*  
☒ No

### **Decision under section 62 of the Transport Infrastructure Act 1994**

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)  
☒ No

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> <li>such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or</li> <li>required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

## PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

---

Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	



GMA Certification  
Group

*Leader's in  
Building Certification Services*



## **PLANNING STATEMENT**

---

For: Greg Hickey & Triona O'Donoghue  
Development: Material Change of Use –Multiple Dwelling  
Unit  
At: Unit 12/26-30 Macrossan Street, Port Douglas (Lot 37  
SP 129137)  
Prepared by: GMA Certification Group  
File Ref: 20201835  
Revision: B

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## 1.0 Introduction

This report has been prepared in behalf of Greg Hickey & Triona O'Donoghue in support of a Development Application to Douglas Shire Council for a Development Permit for Material Change of Use for the purpose of a Multiple Dwelling Unit of premises at Unit 12, 26-30 Macrossan Street, Port Douglas and described as Lot 37 on SP129137

The application premises is an existing two bedroom self-contained Multiple Dwelling (Tourist) unit located on the upper floor of an existing mixed use development on the corner of Macrossan Street and Grant Street, Port Douglas. It contains an area of 87m<sup>2</sup> and contains two bedrooms, living/dining and kitchen and a single balcony with access from the living area. Associated with the premises is an allocated car parking space that is exclusively for the use of the premises and is located in a secure basement. The site is located in the Port Douglas Town Centre, which is characterised by permanent and short term accommodation, retail and commercial recreation uses.

It is proposed to undertake a Material Change of Use of premises from self-contained Multiple Dwelling (Tourist) Unit to Multiple Dwelling Unit to provide for the permanent occupation for residential purposes rather than short term tourism accommodation only.

The application is identified as being Code Assessable and consideration can only be given to the assessment benchmarks contained within the Planning Scheme. The proposed development is considered to be consistent with the Assessment Benchmarks and is considered to be a suitable use of the premises.

The application is submitted for approval, subject to reasonable and relevant conditions.

## 2.0 Development Summary

<b>Address:</b>	Unit 12, 26-30 Macrossan Street, Port Douglas
<b>Real Property Description:</b>	Lot 37 SP129137
<b>Easements &amp; Encumbrances:</b>	Nil
<b>Site Area/Frontage:</b>	N/A
<b>Registered Owner:</b>	Greg Hickey & Triona O'Donoghue
<b>Proposal:</b>	Material Change of Use to Multiple Dwelling Unit.
<b>Approval Sought:</b>	Development Permit
<b>Level of Assessment:</b>	Code Assessment
<b>State Interests – State Planning Policy</b>	<ul style="list-style-type: none"> <li>• Safety and Resilience to Hazards – <ul style="list-style-type: none"> <li>○ Bushfire Prone Area – Potential Impact Buffer; and,</li> <li>○ Erosion Prone Area.</li> </ul> </li> </ul>
<b>State Interests – SARA Mapping:</b>	<ul style="list-style-type: none"> <li>• Coastal Protection – Coastal Area – Erosion Prone Area;</li> <li>• Native Vegetation Clearing – Category x on the regulated vegetation management map.</li> <li>• State Transport – Adjacent a State Controlled Road and within 100 metres of a state controlled road intersection.</li> </ul>
<b>Referral Agencies:</b>	Nil
<b>State Development Assessment Provisions:</b>	N/A
<b>Regional Plan Designation:</b>	Urban Footprint
<b>Zone:</b>	Centre Zone
<b>Local Plan Designation:</b>	Port Douglas/Craigie Local Plan Precinct 1a and Live Entertainment Precinct.
<b>Overlays:</b>	<ul style="list-style-type: none"> <li>• Acid Sulfate Soils Overlay;</li> <li>• Transport Network Overlay;</li> </ul>



### 3.0 Site and Locality

The application premises is a single, two bedroom, self-contained Multiple Dwelling (Tourist) unit that forms part of a mixed use development located on the corner of Macrossan and Grant Street, Port Douglas. The overall mixed use development comprises 16 Multiple Dwelling units (with a mix of tourist and permanent accommodation units), 25 Commercial units and 1 caretakers Residence.

The application premises is unit 12 of this development and comprises a self-contained unit on the upper floor and a designated car parking space in the basement. The unit contains an area of 87m<sup>2</sup> and contains two bedrooms, living/dining and kitchen and balcony with access from the living area.



Photo 1 – Site Location (Source Queensland Globe)

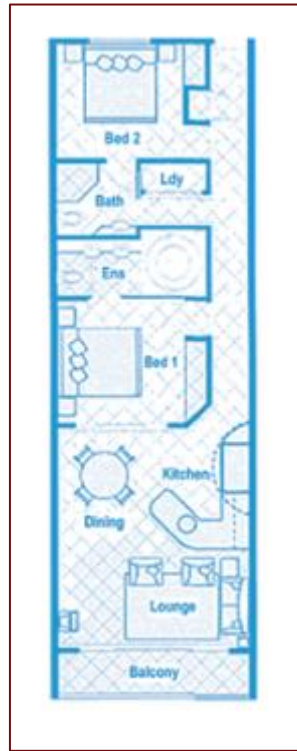


Image 1 – Floor Layout of application premises

## 4.0 Proposal

The application proposes a Material Change of Use of Premises from self contained Multiple Dwelling (Tourist) Unit to Multiple Dwelling Unit. There would be no physical change to the premises and it would simply provide for the lawful occupation of the premises on a permanent basis.

The key development features of the proposed development are summarised in the table below:

Development Feature	Proposal
Premises Floor Area:	87m <sup>2</sup>
Car Parking Spaces:	1 Garage space
Existing Use	Multiple Dwelling (Tourist) unit
Proposed Use	Multiple Dwelling Unit for permanent occupation.

## 5.0 Statutory Planning Considerations

This section provides a summary of the legislative framework affecting the application pursuant to the Planning Act 2016.

### 5.1 Planning Act 2016

#### 5.1.1 Categorisation of Development

The proposed development is not identified as prohibited development having regard to the relevant instruments that can prohibit development under the *Planning Act 2016*, including

- Schedule 10 of the *Planning Regulations 2017*
- Relevant Categorising Instruments.

The development is made assessable under the Douglas Shire Council Planning Scheme, which is a categorising instrument for the purpose of s43 of the *Planning Act 2016*.

#### 5.1.2 Assessment Manager

Pursuant to Schedule 8 of the *Planning Regulations 2017*, the Assessment Manager for the application is the Douglas Shire Council.

#### 5.1.3 Level of Assessment

The application involves the development of a Dwelling Unit/Multiple Dwelling Unit. The table below identifies the level of assessment and the categorising section of the Douglas Shire Council Planning Scheme.

Development	Categorising Section	Level of Assessment
Multiple Dwelling Unit	Table 5.6.a Centre Zone	Code - Assessable

#### 5.1.4 Statutory Considerations for Assessable Development

As the application is subject to Code Assessment, in deciding the application pursuant to s60 of the *Planning Act 2016*, the Council, as Assessment Manager, can only have regard to the matters established in the relevant planning benchmarks.

This assessment is further discussed in Section 6.0 of this report and a detailed assessment of the proposed development against the assessment benchmarks is provided at [Appendix 2](#).

#### 5.1.5 State Planning Policy

The application site has the following State Planning Policy designations/classifications:

- Safety and Resilience to Hazards –
  - Bushfire Prone Area – Potential Impact Buffer; and,

- Erosion Prone Area.

It is understood that the Minister has identified that the State Planning Policy has been appropriately integrated into the Douglas Shire Council Planning Scheme and consequently no further assessment is required in this instance.

#### **5.1.6 Regional Plan**

The application site is identified in the Urban Footprint designation of the FNQ Regional Plan. Consistent with the State Planning Policies, it is understood that the Planning Scheme has been determined to appropriately advance the Regional Plan and, on that basis, no further assessment is required in this instance.

#### **5.1.7 Referral Agencies**

There are no referral agencies identified in respect of this application.

#### **5.1.8 State Development Assessment Provisions**

As there are no referral agencies for the application, no State Development Assessment Provisions Apply to the assessment.

## 6.0 Local Planning Considerations

### 6.1 Douglas Council Planning Scheme

Within the Douglas Shire Council Planning Scheme (Version 1.0), the site is identified within the Centre Zone and within sub-precinct 1a of the Port Douglas/Craigie Local Plan and is affected by the following Overlays:

- Acid Sulfate Soils Overlay; and,
- Transport Network Overlay.

The Table below identifies the applicable Assessment Benchmarks contained within the Planning Scheme.

Assessment Benchmark	Applicability	Compliance
Centre Zone Code	Applies	Complies with applicable Acceptable Outcomes
Port Douglas/Craigie Local Plan Code	Applies	Complies with applicable Acceptable Outcomes
Acid Sulfate Soils Overlay Code	Not Applicable	No applicable Assessment Benchmarks
Transport Network Overlay Code	Not Applicable	No applicable Assessment Benchmarks
Multiple Dwelling and Short Term Accommodation Code	Applies	Complies with all Acceptable Outcomes with the exception of AO17 – Secure Storage, where it is considered to comply with the Performance Outcome.
Access Parking and Servicing Code	Applies	Complies with the Acceptable Outcomes.
Infrastructure Works Code	Not Applicable	The application premises is an existing residential use will all services.
Landscaping Code	Not Applicable	No applicable Assessment Benchmarks
Vegetation Management Code	Not Applicable	No Applicable Assessment Benchmarks

## 7.0 Summary and Conclusion

This report has been prepared in behalf of Greg Hickey in support of a Development Application to Douglas Shire Council for a Development Permit for Material Change of Use for the purpose of a Multiple Dwelling Unit of premises at Unit 12,26-30 Macrossan Street, Port Douglas and described as Lot 37 on SP129137.

The application premises is an existing Multiple Dwelling (Tourist) Unit located on the upper floor of an existing mixed use development on the corner of Macrossan Street and Grant Street, Port Douglas. It contains an area of 87m<sup>2</sup> and contains two bedrooms, living/dining and kitchen and balcony accessed from the living area. Associated with the premises is an allocated car parking space that is for the exclusive use of the premises and is located in a secure basement. The site is located in the Port Douglas Town Centre, which is characterised by permanent and short term accommodation, retail and commercial recreation uses.

It is proposed to undertake a Material Change of Use of premises from self-contained Multiple Dwelling (Tourist) unit to Multiple Dwelling Unit to provide for the permanent occupation for residential purposes rather than short term tourism accommodation only.

The application is identified as being Code Assessable and consideration can only be given to the assessment benchmarks contained within the Planning Scheme. The proposed development is considered to be consistent with the Assessment Benchmarks and is considered to be a suitable use of the premises. The application is submitted for approval, subject to reasonable and relevant conditions.

## **SALES CONTRACT (EXTRACT), CERTIFICATE OF TITLE AND COMMUNITY MANAGEMENT STATEMENT**



# Contract for Residential Lots in a Community Titles Scheme

Twelfth Edition

*This document has been approved by The Real Estate Institute of Queensland Limited and the Queensland Law Society Incorporated as being suitable for the sale and purchase of Residential Lots in a Community Titles Scheme in Queensland except for new residential property in which case the issue of GST liability must be dealt with by special condition.*

**The Seller and Buyer agree to sell and buy the Property under this contract.**

## REFERENCE SCHEDULE

**Contract Date:** \_\_\_\_\_

### SELLER'S AGENT

**NAME:** PLA'D Investments Pty Ltd trading as Queensland Sotheby's International Realty in conjunction with BMW Real Estate Pty Ltd

**ABN:** 15 676 927 180      **LICENCE NO:** 85620157628      3969899/4194425

**ADDRESS:** 12/26-30 Macrossan Street

**SUBURB:** Port Douglas      **STATE:** QLD      **POSTCODE:** 4877

**PHONE:** 07 4237 8088      **MOBILE:** \_\_\_\_\_      **FAX:** \_\_\_\_\_      **EMAIL:** kerry.colrain@qldsir.com

### SELLER

**NAME:** \_\_\_\_\_      **ABN:** \_\_\_\_\_

Melissa Clare Smith Trustee under instrument 708386903

**ADDRESS:** PO Box 1310,

**SUBURB:** Richmond,      **STATE:** VIC      **POSTCODE:** 3121

**PHONE:** \_\_\_\_\_      **MOBILE:** 0419 340 751      **FAX:** \_\_\_\_\_      **EMAIL:** melissa@davidsmith.com.au

**NAME:** \_\_\_\_\_      **ABN:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**SUBURB:** \_\_\_\_\_      **STATE:** \_\_\_\_\_      **POSTCODE:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_      **MOBILE:** \_\_\_\_\_      **FAX:** \_\_\_\_\_      **EMAIL:** \_\_\_\_\_

### SELLER'S SOLICITOR

← or any other solicitor notified to the Buyer

**NAME:** \_\_\_\_\_

Marino Moller Lawyers

**REF:** \_\_\_\_\_      **CONTACT:** \_\_\_\_\_

Megan Langford

**ADDRESS:** Macrossan Street

**SUBURB:** Port Douglas      **STATE:** Qld      **POSTCODE:** 4877

**PHONE:** 07 4081 6700      **MOBILE:** \_\_\_\_\_      **FAX:** \_\_\_\_\_      **EMAIL:** megan.langford@marinolawyers.com.au

**INITIALS** (Note: initials not required if signed with Electronic Signature)



**INITIAL**

000014121294

**BUYER**

NAME:

ABN:

Gregory John Hickey

ADDRESS: Level 4, 180 Phillip Street

SUBURB: Sydney

STATE: NSW POSTCODE: 2000

PHONE:

02 9232 2722

MOBILE:

0414 398 653

FAX:

02 9223 3960

EMAIL:

greghickey@4wentworth.com.au

NAME:

ABN:

Triona Sheila O'Donoghue

ADDRESS: Level 4, 180 Phillip Street

SUBURB: Sydney

STATE: NSW POSTCODE: 2000

PHONE:

02 9232 2722

MOBILE:

0414 777 475

FAX:

02 9223 3960

EMAIL:

**BUYER'S AGENT** (If applicable)

NAME:

ABN:

LICENCE NO:

ADDRESS:

SUBURB:

STATE:

POSTCODE:

PHONE:

MOBILE:

FAX:

EMAIL:

**BUYER'S SOLICITOR**

← or any other solicitor notified to the Seller

NAME:

Bolt Burchell and Tranter

REF:

CONTACT:

Karen Burchill

ADDRESS: Warner Street

SUBURB: Port Douglas

STATE: Qld POSTCODE: 4877

PHONE:

07 4030 4800

MOBILE:

FAX:

EMAIL:

karen@bbtranter.com.au

**PROPERTY**

Lot: ADDRESS: Apartment 12, 26-30 Macrossan Street

SUBURB: Port Douglas

STATE: Qld POSTCODE: 4877

Description: Lot: 37 on: ☐ BUP ☐ GTP ☒ SP 129137

Scheme: Saltwater

Community Titles Scheme: 30139

Title Reference: 50389413

Present Use: Holiday Letting

Local Government: Douglas Shire Council

INITIALS (Note: initials not required if signed with Electronic Signature)

INITIAL

000014121294

# CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 33923397

Search Date: 18/05/2020 15:20

Title Reference: 50389413

Date Created: 15/04/2002

Previous Title: 21560022

## REGISTERED OWNER

Dealing No: 708386903 25/01/2005

DAVID ALEXANDER LESLIE SMITH

MELISSA CLARE SMITH TRUSTEE  
UNDER INSTRUMENT 708386903

## ESTATE AND LAND

Estate in Fee Simple

LOT 37 SURVEY PLAN 129137  
Local Government: DOUGLAS  
COMMUNITY MANAGEMENT STATEMENT 30139

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10332207 (ALLOT 16 SEC 1)

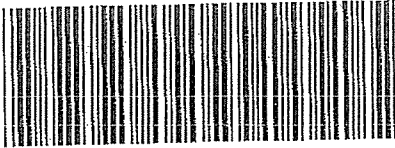
ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

\*\* End of Current Title Search \*\*

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2020]

Requested By: D-ENQ CREDIT WORKS AUSTRALIA



713228616

\$66.90

12/05/2010 14:39

Duty Imprint

BE 470

searchable registers in the land registry and the water register. For more information about privacy in NR&W see <http://www.nrw.qld.gov.au/about/privacy/index.html>.

1. Nature of request

Request to record New Community Management  
Statement for Saltwater Community Titles Scheme 30139

Lodger (Name, address & phone number)

Mahoney Lawyers  
GPO Box 3311  
BRISBANE QLD 4001  
07-3007-3777  
ref: BWS 14436

Lodger  
Code  
101A

2. Lot on Plan Description

Common property of Saltwater  
Community Titles Scheme 30139

County

Solander

Parish

Salisbury

Title Reference

50389376

3. Registered Proprietor/State Lessee

Body Corporate for Saltwater Community Titles Scheme 30139

4. Interest

Not Applicable

5. Applicant

Body Corporate for Saltwater Community Titles Scheme 30139

6. Request

I hereby request that: the New Community Management Statement deposited herewith which amends Schedule A of the existing Community Management Statement be recorded as the community management statement Saltwater Community Titles Scheme 30139.

7. Execution by applicant

12/5/10  
Execution Date

Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

SIMON ALAN GRANT  
LEGAL PRACTITIONER

**30139**

This statement incorporates and must  
include the following:

- Schedule A - Schedule of lot entitlements  
Schedule B - Explanation of development of scheme land  
Schedule C - By-laws  
Schedule D - Any other details  
Schedule E - Allocation of exclusive use areas

once use only  
**CMS LABEL NUMBER**

1. **Name of community titles scheme**  
Saltwater Community Titles Scheme 30139

2. **Regulation module**  
Accommodation

3. **Name of body corporate**  
Body Corporate for Saltwater Community Titles Scheme 30139

4. <b>Scheme land</b>	County	Parish	Title Reference
Lot on Plan Description See enlarged panel			

5. **\*Name and address of original owner**  
Not Applicable

6. **Reference to plan lodged with this statement**  
Not Applicable

# first community management statement only

7. **Local Government community management statement notation**

..... signed  
NOT APPLICABLE pursuant to  
section 62(6) of the BCMA Act 1997  
..... name and designation  
..... name of Local Government

8. **Execution by original owner/Consent of body corporate**

10 15 10  
Execution Date

*M. Lamberton* Secretary  
BODY CORPORATE FOR  
SALTWATER  
COMMUNITY TITLES  
SCHEME 30139  
\*Execution

\*Original owner to execute for a first community management statement  
\*Body corporate to execute for a new community management statement

#### Privacy Statement

Collection of this information is authorised by the Body Corporate and Community Management Act 1997 and is used to maintain the publicly searchable registers in the land registry. For more information about privacy in NR&W see <http://www.nrw.qld.gov.au/about/privacy/index.html>.

## Title Reference [50389376]

## 4. Scheme land

Lot on Plan Description	County	Parish	Title Reference
Lot 1 on SP 129137	Solander	Salisbury	50389377
Lot 2 on SP 129137	Solander	Salisbury	50389378
Lot 3 on SP 129137	Solander	Salisbury	50389379
Lot 4 on SP 129137	Solander	Salisbury	50389380
Lot 5 on SP 129137	Solander	Salisbury	50389381
Lot 6 on SP 129137	Solander	Salisbury	50389382
Lot 7 on SP 129137	Solander	Salisbury	50389383
Lot 8 on SP 129137	Solander	Salisbury	50389384
Lot 9 on SP 129137	Solander	Salisbury	50389385
Lot 10 on SP 129137	Solander	Salisbury	50389386
Lot 11 on SP 129137	Solander	Salisbury	50389387
Lot 12 on SP 129137	Solander	Salisbury	50389388
Lot 13 on SP 129137	Solander	Salisbury	50389389
Lot 14 on SP 129137	Solander	Salisbury	50389390
Lot 15 on SP 129137	Solander	Salisbury	50389391
Lot 16 on SP 129137	Solander	Salisbury	50389392
Lot 17 on SP 129137	Solander	Salisbury	50389393
Lot 18 on SP 129137	Solander	Salisbury	50389394
Lot 19 on SP 129137	Solander	Salisbury	50389395
Lot 20 on SP 129137	Solander	Salisbury	50389396
Lot 21 on SP 129137	Solander	Salisbury	50389397
Lot 22 on SP 129137	Solander	Salisbury	50389398
Lot 23 on SP 129137	Solander	Salisbury	50389399
Lot 24 on SP 129137	Solander	Salisbury	50389400
Lot 25 on SP 129137	Solander	Salisbury	50389401
Lot 26 on SP 129137	Solander	Salisbury	50389402
Lot 27 on SP 129137	Solander	Salisbury	50389403
Lot 28 on SP 129137	Solander	Salisbury	50389404
Lot 29 on SP 129137	Solander	Salisbury	50389405
Lot 30 on SP 129137	Solander	Salisbury	50389406
Lot 31 on SP 129137	Solander	Salisbury	50389407
Lot 32 on SP 129137	Solander	Salisbury	50389408
Lot 33 on SP 129137	Solander	Salisbury	50389409
Lot 34 on SP 129137	Solander	Salisbury	50389410
Lot 35 on SP 129137	Solander	Salisbury	50389411
Lot 36 on SP 129137	Solander	Salisbury	50389412
Lot 37 on SP 129137	Solander	Salisbury	50389413
Lot 38 on SP 129137	Solander	Salisbury	50389414
Lot 39 on SP 129137	Solander	Salisbury	50389415
Lot 40 on SP 129137	Solander	Salisbury	50389416
Lot 41 on SP 129137	Solander	Salisbury	50389417
Lot 42 on SP 129137	Solander	Salisbury	50389418
Common Property of Saltwater Community Titles Scheme 30139	Solander	Salisbury	50389376

**SCHEDULE A SCHEDULE OF LOT ENTITLEMENTS**

Lot on Plan	Contribution	Interest
Lot 1 on SP 129139	1	2
Lot 2 on SP 129139	1	2
Lot 3 on SP 129139	1	2
Lot 4 on SP 129139	1	2
Lot 5 on SP 129139	1	2
Lot 6 on SP 129139	1	2
Lot 7 on SP 129139	1	2
Lot 8 on SP 129139	1	2
Lot 9 on SP 129139	1	3
Lot 10 on SP 129139	1	4
Lot 11 on SP 129139	1	5
Lot 12 on SP 129139	1	3
Lot 13 on SP 129139	1	2
Lot 14 on SP 129139	1	3
Lot 15 on SP 129139	1	7
Lot 16 on SP 129139	1	5
Lot 17 on SP 129139	1	2
Lot 18 on SP 129139	1	3
Lot 19 on SP 129139	1	3
Lot 20 on SP 129139	1	4
Lot 21 on SP 129139	1	4
Lot 22 on SP 129139	1	5
Lot 23 on SP 129139	1	5
Lot 24 on SP 129139	1	5
Lot 25 on SP 129139	1	9
Lot 26 on SP 129139	1	7
Lot 27 on SP 129139	1	5
Lot 28 on SP 129139	1	5
Lot 29 on SP 129139	1	6
Lot 30 on SP 129139	1	7
Lot 31 on SP 129139	1	7
Lot 32 on SP 129139	1	6
Lot 33 on SP 129139	1	9
Lot 34 on SP 129139	1	5
Lot 35 on SP 129139	1	4
Lot 36 on SP 129139	1	4
Lot 37 on SP 129139	1	4
Lot 38 on SP 129139	1	4
Lot 39 on SP 129139	1	4
Lot 40 on SP 129139	1	4
Lot 41 on SP 129139	1	4
Lot 42 on SP 129139	1	6
<b>TOTALS</b>	<b>42</b>	<b>179</b>

## SCHEDULE

Title reference: 50389376

Page 6 of 24

SCHEDULE B	EXPLANATION OF THE DEVELOPMENT OF SCHEME LAND
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Sections 57(1)(e) and (f) of the Body Corporate and Community Management Act 1997 are not applicable.

SCHEDULE C	BY-LAWS
------------	---------

The by-laws for Saltwater Community Titles Scheme are set out in this Schedule:

# 1. Definitions and Interpretations

## 1.1 Definitions

In these By-laws:

- (1) "Act" means *Body Corporate and Community Management Act 1997* or legislation which replaces it;
- (2) "Body Corporate Asset" means any property, other than Common Property held or owned by the Body Corporate, for the benefit or on behalf of the Owners;
- (3) "Body Corporate Manager" means a body corporate manager for the Scheme;
- (4) "Building" means the building or buildings constructed on the Scheme Land;
- (5) "Common Property" means the common property for the Scheme;
- (6) "Costs" means any costs, charges, expenses, outgoings, payments or other expenditure of any nature and, where appropriate, includes reasonable fees and disbursements payable to contractors, consultants, accountants and lawyers;
- (7) "Improvements" means:
  - (a) any addition or alternation to the Common Property or any Body Corporate Asset; or
  - (b) the installation of any fixtures, equipment, appliances or other apparatus on the Common Property or any Body Corporate Asset;
- (8) "Invitees" means each of the Owner's agents, visitors, tenants, licensees or others (with or without invitation) who may be on a Lot or the Scheme Land;
- (9) "Lot" means a lot on the Scheme;
- (10) "Owner" means the registered owner of a Lot and its invitees;
- (11) "Requirement" means any requirement, or authorisation, of any statutory body, local authority, governmental or other authority necessary or desirable under applicable law or regulation and includes the provisions of any statute, ordinance or by-law;
- (12) "Scheme" means the Community Titles Scheme containing the Lots and the Common Property;
- (13) "Scheme Land" means the land upon which the Community Titles Scheme is situated;
- (14) "Services" means all gas, electricity, telephone, water, sewerage, fire prevention, ventilation, air conditioning, hydraulic elevator and security services and all other services or systems provided in the Scheme or available for the Lot; and
- (15) "Service infrastructure" means any infrastructure for the provision of Services to the Scheme or any Lot.

## 1.2 Interpretations

### (1) Reference to:

- (a) the singular includes the plural and the plural includes the singular;
- (b) a person means a person bound by these By-laws and includes a body corporate, an unincorporated association or an authority; and



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- (c) a statute, regulation or provision of a state or regulation ("Statutory Provision") includes:
  - (i) that Statutory Provision as amended or re-enacted from time to time; and
  - (ii) a statute, regulation or provision enacted in replacement of that Statutory Provision.
- (2) "Including" and similar expressions are not words of limitation.
- (3) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (4) Headings are for convenience only and do not form part of these By-laws or affect interpretation.
- (5) Unless the context requires otherwise, words that have a defined meaning in the Act have the same meaning as these By-law.

## 2. Noise

- (1) An Owner will not create noise likely to interfere with the peaceful enjoyment of a person lawfully on another Lot or the Common Property.
- (2) An Owner of a Lot must take reasonable steps to ensure that the Owner's invitees do not behave in a way likely to interfere with the peaceful enjoyment of another Lot or the Common Property.
- (3) Noise reasonably created on any commercial or retail Lot in the normal course of the permitted use of that Lot will be deemed not to interfere with the peaceful enjoyment of a person lawfully on another Lot or the Common Property.

## 3. Obstruction of Common Property

An Owner will not obstruct lawful use of the Common Property by another person, and, without limitation, obstruct access to the Common Property or any Body Corporate Asset.

## 4. Parking

- (1) An Owner will not without the Body Corporate's written approval:
  - (a) park any vehicles in areas set aside for visitor car parking (if any) or any part of the Common Property not designated for the parking of motor vehicles; or
  - (b) permit any invitees' vehicles to be parked on the Common Property other than in the areas set aside for visitor car parking (if any).
- (2) An approval under Subsection (1) must state the period for which it is given.
- (3) However, the Body Corporate may cancel the approval by giving seven (7) days written notice to the Owner.

## 5. Use of Common Property

An Owner:

- (1) will use the Common Property or any Body Corporate Asset for the purpose for which it was designed or intended;
- (2) will comply with all directions and rules of the Body Corporate relating to conduct on the Common Property or use of any Body Corporate Asset; and
- (3) will observe all relevant Requirements in connection with the Common Property or Body Corporate Assets.

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**6. Improvements to Common Property**

- (1) An Owner will not make any improvements to the Common Property without the prior written consent of the Body Corporate.
- (2) In giving its consent to any improvement, the Body Corporate may:
  - (a) obtain advice from consultants; and
  - (b) recover the costs of obtaining advice from consultants from the person seeking the Body Corporate's consent.
- (3) Any improvement made or sought to be made by an Owner:
  - (a) will be maintained and repaired by the Owner unless the Body Corporate agrees to the contrary by resolution in general meeting; and
  - (b) comply with all Requirements.
- (4) The Body Corporate may remove any unauthorised improvement and recover the costs of doing so from the person responsible for the Improvement.

**7. Damage to Common Property**

- (1) An Owner will not, without the Body Corporate's written approval, mark, paint, drive nails, screws or other objects into, or otherwise damage or deface a structure that forms part of the Common Property.
- (2) However, an Owner may install a locking or safety device to protect the Lot against intruders, or a screen to prevent entry of animals or insects, if the device or screen is soundly built and is consistent with the colour, style and materials of the building and the consent of the Body Corporate is first obtained for such installations.
- (3) An Owner must keep a device installed under sub-section (2) in good order and repair.

**8. Depositing Rubbish on Common Property**

An Owner will not put any rubbish, trade, waste, shop refuse or other material on the Common Property.

**9. Garbage Disposal**

An Owner will:

- (1) If no receptacle is provided by the Body Corporate, maintain a receptacle for garbage:
  - (a) within the Owner's Lot; or
  - (b) on that part of the Common Property set aside for location of garbage receptacles.
- (2) comply with all Requirements relating to the disposal of garbage and arrange for the regular removal of garbage from the Lot;
- (3) ensure that the health, hygiene and comfort of other persons is not adversely affected by disposal of the Owner's garbage; and
- (4) use any garbage receptacle provided by the Body Corporate and separate, where necessary, any garbage so that full use is made of the receptacles provided by the Body Corporate.

**10. Appearance of Lot**

- (1) An Owner will not, without the Body Corporate's written approval, make a change of the external appearance of a Lot.
- (2) An Owner will not, without the Body Corporate's written approval:
  - (a) hang washing, bedding or other cloth article if the article is visible from another Lot or the Common Property, or from outside the Scheme Land; or
  - (b) whether the Lot is not lawfully used for commercial purposes, display a sign, advertisement, placard, banner, pamphlet or similar article if the article is visible from another Lot or the Common Property or from outside the Scheme Land.
- (3) This section does not apply to a Lot created under a Standard Format Plan of Subdivision.

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**11. Signage**

- (1) An Owner will not allow a sign or advertisement on any part of the Common Property or the Owner's Lot without the prior written consent of the Body Corporate.
- (2) The Body Corporate may remove a sign to which it has not consented at the expense of the relevant Owner.
- (3) All signage approved by the Body Corporate must be kept in clean condition and good state or repair by the relevant Owner.
- (4) An Owner will return the Common Property or that part of the Owner's Lot to its original condition when a sign is removed.

**12. Antennae and Aerials**

An Owner will not erect any television or radio antennae or aerials or other communication receivers on the Common Property without the prior consent of the Body Corporate.

**13. Auction Sale**

An Owner will not allow any auction sale to be conducted on the Owner's Lot or from the Common Property without the prior consent of the Body Corporate.

**14. Use of Lots**

An Owner will:

- (1) observe all Requirements in connection with the use of the Owner's Lot;
- (2) maintain the Owner's Lot in good order and condition;
- (3) not to use or store any flammable liquids or materials in the Lot or on Common Property other than of a type used for domestic purposes or (where applicable) in the normal course of the business lawfully conducted in the Lot;
- (4) give prompt notice to the Body Corporate of any damage to, defect or disrepair of, the Services or Service Infrastructure;
- (5) not overload any Services or Service Infrastructure;
- (6) pay to the Body Corporate any costs incurred by the Body Corporate in upgrading any Services or Service Infrastructure to accommodate any equipment which the Owner wishes to install in a Lot;
- (7) lock all doors and fasten all windows in the Owner's Lot when the Lot is not occupied;
- (8) not waste water and ensure that all water taps in the Owner's Lot are turned off after use;
- (9) not carry on or permit any noxious or offensive act, trade, business or occupation or calling from a Lot;
- (10) not cause disturbance to other persons lawfully using any Lot or Common Property;
- (11) not do or cause anything to be done which would void any insurance policy in respect of the Scheme, increase the rate of the fire insurance of the Scheme or conflict with the law, regulations or ordinances relating to fires or any insurance policy in respect of the Scheme;
- (12) subject to the Act, not keep any animal on a Lot or the Common Property without the Body Corporate's written consent;
- (13) not object where the Body Corporate has signed a Management and Letting Agreement, to the Manager named in the Agreement using the Manager's Lot (as defined in the Agreement) or any other lot in the Scheme as determined by the Manager for the purpose of the conduct of the businesses permitted by the Agreement;
- (14) except in the case of Lots 1 – 25 which are designated for commercial or retail uses, use the Lot only for residential purposes.
- (15) Comply with all and any conditions which are contained in the benefit easements; and
- (16) Comply with all rules, regulations and directions at any time put the place in respect of the use

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and enjoyment of the servient tenements in the benefit easements.

**15. Right of Entry**

- (1) The Body Corporate may enter a Lot with workmen and other authorised persons and necessary materials and appliances to:
  - (a) comply with any requirement involving the destruction of noxious animals, rodents or other pests; and
  - (b) carry out any repairs, alterations, renovations, extensions or works in relation to any Services or Service Infrastructure.
- (2) In the case of emergency no notice will be required under By-Law 15(1).
- (3) Anything undertaken by the Body Corporate under this By-law will be paid for by the Owner of the relevant Lot where the need for the Body Corporate to do that thing is due to any act or default of the Owner.
- (4) In exercising its rights under this By-law the Body Corporate must ensure that it causes as little inconvenience to the Owner of the Lot as is reasonable in the circumstances.

**16. Body Corporate Rights**

The Body Corporate may take steps to ensure the security of the Lots in the Scheme and the observance of these By-laws by any Owner or occupier, including, without limitation:

- (1) Restricting access to any part of the Common Property whether on a temporary or permanent basis including areas used for the location of Services and Service Infrastructure;
- (2) Allowing a designated part of the Common Property to be used by any security person firm or company;
- (3) Obtaining installing and maintaining locks, alarms, communications systems and other security devices; or
- (4) Determining rules under which persons are given access to any part of the Common Property.

**17. Invitees**

- (1) An Owner will take all reasonable steps to ensure that Invitees do not obstruct any person's use of the Common Property or owner's lot.
- (2) An Owner will compensate the Body Corporate for all damage to the Common Property caused by Invitees.
- (3) An Owner of a lot will take all reasonable steps to ensure that Invitees comply with these By-Laws.

**18. Notice of Defect**

- (1) The Body Corporate may make repairs or renovations as it deems necessary for the safety and preservation of the Common Property, Body Corporate Assets, Services and Service Infrastructure.
- (2) In the event of any damage or defect to Services or Service Infrastructure the Owner will give immediate notice to the Body Corporate.

**19. Request to Secretary**

An Owner will direct all requests for consideration or any matter to be referred to the Body Corporate or the Body Corporate Committee to the Secretary or Body Corporate Manager.

**20. Notices**

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All notices displayed on the Common Property by the Body Corporate or any statutory authority will be complied with by the Owners.

**21. Copy of By-Laws**

Owners will provide any tenant or other occupier of a Lot with a copy of these By-Laws.

**22. Power of Body Corporate Committee**

The Body Corporate Committee may make rules (in addition to those specifically provided for elsewhere in these By-Laws) relating to the Common Property or Body Corporate Assets which are not inconsistent with these By-Laws or any Requirement and those rules are binding on the Owners.

**23. Recovery of Costs**

The Body Corporate may recover its costs in connection with:

- (a) recovery or levies or other moneys payable by an Owner to the Body Corporate; and
  - (b) undertaking an obligations of an Owner under By-Laws or remedying a breach of these By-Laws by an Owner;
- from the relevant Owner

**24. Interest**

The Body Corporate may charge and recover interest at an annual rate determined by the Body Corporate by ordinary resolution in general meeting on any unpaid levies or other moneys payable by an Owner to the Body Corporate.

**25. Swimming Pool**

The swimming pool shall not be used between the hours of 9pm and 6am or at any other time nominated by the Body Corporate.

**26. Sale of Lots**

- (a) While the Original Owner remains the Owner of the any Lot, the Original Owner and its servants, agents or employees will be entitled to use any such Lot as a display Lot and to allow prospective purchasers to inspect any such Lot.
- (b) The Original Owner, its servants, agents or employees are further entitled to place such signs or other advertising and display material in or about a display Lot, the Common Property and the Building as the Original Owner in its absolute discretion deems fit provided that such signs or material will in all respects be attractive and tasteful having regard to the visual and acoustic privacy of other Lots and the general aesthetics and amenity of the Building and will not at any time be more than is reasonably necessary in terms of number and size.

**27. Bicycles**

The occupier of a lot will not, without the Body Corporate's written approval:

- (a) ride a bicycle, skateboard or roller blades, on the common property; or
- (b) permit an invitee to ride a bicycle, skateboard or roller blades, on the common property.

**28. Designated Uses**

- (1) The Owner of Lot 32 on Level E (or such other Lot which may be later nominated) may use such Lot both for residential purposes and for the purposes of the control, management,

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- caretaking and administration of the Building and the Common Property and for the letting of Lots in the Scheme on behalf of the Owners and the rendering of services to Owners of Lots in the Scheme and may, without the consent of the Body Corporate, display signs or notices for the purposes of offering for lease or for letting any Lot in the Building.
- (a) Lots situated on levels A, C and part of E designated for use for commercial and retail purposes (being Lots 1 – 25), may be used only for commercial and retail purposes and such other lawful purposes as from time to time permitted by the local government or any other statutory authority. The specific use of commercial and retail Lots is at the sole discretion of the Original Owner while it remains the Owner of any Lot.
  - (2) Lots situated on part of Level E and on Level G designated for use for residential or accommodation purposes may be used only for those purposes and any such other lawful purpose as is from time to time permitted by the Body Corporate and the local government.

## 29. Air Conditioning

The owners of the Lots designated for commercial and retail use:

- (a) have the right to install, maintain, repair and replace air conditioning equipment which services their Lots on that part or parts of the Common Property allocated for the location of same; and
- (b) together with their employees, officers, contractors or agents, have the right of access to the relevant part or parts of the Common Property for the purpose of installation, maintenance, repair or replacement of any such air conditioning equipment; provided that:
- (c) in exercising any such right given under the By-Law, any Owner or its employees, officers, contractors or agents do not interfere with the use or enjoyment of other Owners with similar or like rights given under this By-Law and repair at its own expense any damage caused to the Common Property in the course of exercising that right.

## 30. Exclusive Use – Outdoor Dining

The Owners of Lots 11, 12 and 13 have the exclusive use and enjoyment as outdoor dining areas of those parts of the Common Property as are identified on the Exclusive Use Plan for Level C with the letters "C", "E", and "F" respectively.

## 31. Exclusive Use – Storage

The Owner of Lot 32, whilst it remains the Manager's residence, has the exclusive use and enjoyment for storage of that part of the Common Property as is identified on the Exclusive Use Plan for Level E with the letter "H".

## 32. Exclusive Use – Allocation of Car Parking and Storage

- (1) The Original Owner or its agent is authorised to allocate such Lot or Lots as the Original Owner or its agent in its sole discretion determines exclusive use and enjoyment for carparking and/or storage (if any) of any part or parts of the Common Property as identified with the letter "D" on the attached Exclusive Use Plan for Level B and with the letters "A" and "B" on the attached Exclusive Use Plan for Level D.
- (2) Where the Original Owner or its agent make an allocation in accordance with the provisions of sub-section (1), the Original Owner must bear the cost of preparation and lodgement with the Registrar of Titles of the new Community Management Statement showing the allocations made under the provisions of this By-Law.

## 33. Exclusive Use – Exhaust

- (1) The owner of Lot 12 has the exclusive use and enjoyment for construction, operation and

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- maintenance of an exhaust fan and duct of that part of the common property as is identified on the Exclusive Use Plan for Level E with the letter "G".
- (2) The owner of Lot 11 has the exclusive use and enjoyment for construction, operation and maintenance of an exhaust fan and duct of that part of the common property as is identified on the Exclusive Use Plan for Level E with the letter "I".

34. Agreements and Consents

The Body Corporate has the express power and authority to:

- (1) grant or enter into and execute a Body Corporate Administration Agreement for the performance of the duties of the Body Corporate;
- (2) grant or enter into and execute an agreement giving the rights (which may be exclusive or non-exclusive) for the control, management, caretaking and administration of the Building and Common Property and the proper regulation of the use thereof on such terms as the Body Corporate shall in its absolute discretion think fit and for such fee as may be agreed and pursuant to this power to enter into agreements with such persons and/or corporations as the Body Corporate shall in its sole discretion decide.
- (3) To grant the right to conduct in the Building and Common Property the business of letting of units on behalf of Owners (for such fee or commission as may be agreed by the Owner of any Lot so let) and the business of rendering of services to Owners of Lots in the Building and pursuant to this power to enter into written agreements with such persons and/or corporations on such terms as the Body Corporate shall in its discretion decide.
- (4) Grant or enter into a Right of Entry Agreement with a bank or other financial institution if required by such institution as part of the security for a person or corporation to acquire the management and letting rights in respect of "Saltwater".
- (5) Grant or enter into an easement over Common Property provided that such easement does not interfere with an Owner's exclusive use area unless such Owner otherwise agrees.
- (6) Consent to the entering into by an Owner of a commercial or retail Lot, any agreement in respect of a liquor licence provided that such Owner must at all times and upon the direction Body Corporate comply at its own expense with all federal, state and municipal laws in respect of liquor licensing of the Lot and no individual Owner will make any objection or requisition in that regard.

35. Swimming Pool – Exclusive Use

- (1) The Owners of Lots 26 to 42 have the exclusive use and enjoyment as a swimming pool and recreation area of those parts of the Common Property as are identified on the exclusive use plan for level F with the letter J.
- (2) The hours of use of the swimming pool area are detailed in by-law twenty five (25) and the pool must also be used in accordance with rules as set from time to time by the committee of the Body Corporate with due care.
- (3) The Owners of Lots 26 to 42:
  - (a) must not operate, adjust or interfere with the operation of any equipment associated with the pool or any other water features.
  - (b) are responsible for the maintenance of and operating costs for that part of the common property to which this exclusive use by-law applies and in this regard the Body Corporate will make arrangements for the cleaning and maintenance of this area and raise a special levy in relation to such costs.

36. Exclusive Use – Area Adjacent to Manager's Unit

- (1) The Owner of Lot 32 has the exclusive use and enjoyment, for residential purposes and other purposes associated with the discharge of the Manager's duties pursuant to any Management Rights Contract entered into with the Body Corporate (excluding the hire of motor vehicles,

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vehicles and associated activities), of that part of the Common Property as identified on the exclusive use plan for Level E with the letter K.

(2) The Owner of Lot 32

- (a) is responsible for the maintenance of and any costs for that part of the Common Property to which this exclusive use by-law applies.
- (b) indemnifies the Body Corporate against all actions, suits, damages and costs brought against the Body Corporate by any person in respect of any damage or injury caused to any person or property in connection with the use of this exclusive use area and/or any improvements constructed on or within this exclusive use area.
- (c) must keep and maintain that part of this exclusive use area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the standards of other parts of the external surface of the Building.
- (d) must regularly treat such exclusive use area for vermin.

**37. Exclusive Use – Car Parking**

- (1) The Owner of Lot 26 has the exclusive use of that part of the Common Property marked D1 on Level D in the Carpark Allocation Plan.
- (2) The Owner of Lot 27 has the exclusive use of that part of the Common Property marked D12 on Level D in the Carpark Allocation Plan.
- (3) The Owner of Lot 28 has the exclusive use of that part of the Common Property marked D2 on Level D in the Carpark Allocation Plan.
- (4) The Owner of Lot 29 has the exclusive use of that part of the Common Property marked D3 on Level D in the Carpark Allocation Plan.
- (5) The Owner of Lot 30 has the exclusive use of that part of the Common Property marked D4 on Level D in the Carpark Allocation Plan.
- (6) The Owner of Lot 31 has the exclusive use of that part of the Common Property marked D5 on Level D in the Carpark Allocation Plan.
- (7) The Owner of Lot 32 has the exclusive use of that part of the Common Property marked D17 on Level D in the Carpark Allocation Plan.
- (8) The Owner of Lot 33 has the exclusive use of that part of the Common Property marked D6 on Level D in the Carpark Allocation Plan.
- (9) The Owner of Lot 34 has the exclusive use of that part of the Common Property marked D7 on Level D in the Carpark Allocation Plan.
- (10) The Owner of Lot 35 has the exclusive use of that part of the Common Property marked D8 on Level D in the Carpark Allocation Plan.
- (11) The Owner of Lot 36 has the exclusive use of that part of the Common Property marked D9 on Level D in the Carpark Allocation Plan.
- (12) The Owner of Lot 37 has the exclusive use of that part of the Common Property marked D10 on Level D in the Carpark Allocation Plan.
- (13) The Owner of Lot 38 has the exclusive use of that part of the Common Property marked D13 on Level D in the Carpark Allocation Plan.
- (14) The Owner of Lot 39 has the exclusive use of that part of the Common Property marked D14 on Level D in the Carpark Allocation Plan.
- (15) The Owner of Lot 40 has the exclusive use of that part of the Common Property marked D15 on Level D in the Carpark Allocation Plan.
- (16) The Owner of Lot 41 has the exclusive use of that part of the Common Property marked D16 on Level D in the Carpark Allocation Plan.
- (17) The Owner of Lot 42 has the exclusive use of that part of the Common Property marked D19 on Level D in the Carpark Allocation Plan.
- (18) Each Owner to whom exclusive use of a carpark has been granted must use that Exclusive Use Area for the purpose of carparking only and:
  - (a) are responsible for any maintenance or operating costs associated with this Exclusive Use Area;



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- (b) must not use the Exclusive Use Area for a workshop, trade or cottage industry purposes;
  - (c) must not litter or use the Exclusive Use Area to create a nuisance to other Owners;
  - (d) must regularly treat the Exclusive Use Area for vermin;
  - (e) must not do anything in the Exclusive Use Area which would interfere to an unreasonable extent with the use and enjoyment of a Lot or the Common Property by an Owner;
  - (f) must not construct any improvements on the Exclusive Use Area.
- (19) In this By-Law 37 the term "Exclusive Use Area" means those areas specified in the Carpark Allocation Plan for Level D and marked D1 to D20 accordingly.
- (20) It is also noted for information purposes only that as at the date of this Community Management Statement the Manager - Thomas Opperman has the use of carpark D18 pursuant to an Occupation Authority.

**38. Exclusive Use - Area Adjacent to Lot 11**

- (1) The Owner of Lot 11 has the exclusive use and enjoyment, for commercial purposes identical to that used in the existing Lot 11, of that part of the Common Property as identified on the Exclusive Use Plan for Level C, marked "C1".
- (2) The Owner of Lot 11:
  - (a) Is responsible for the maintenance of and any costs for that part of the Common Property to which this Exclusive Use By-Law applies.
  - (b) Indemnifies the Body Corporate against all actions, suits, demands and costs brought against the Body Corporate by any person in respect of any damage, injury, caused to any person or property in connection with the use of the Exclusive Use Area and/or any improvements constructed on or within the Exclusive Use Area.
  - (c) Must keep and maintain that part of the Exclusive Use Area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the standard of other parts of the external surfaces of the Building.
  - (d) Must regularly treat such Exclusive Use Area for vermin.
- (3) Any construction work to be undertaken on the Exclusive Use Area including the common wall between Lots 11 and 19 is to be at the cost of the Owner of Lot 11 who will also be responsible for obtaining any approval of the Local Authority and the Body Corporate.
- (4) In the event that the occupiers of Lot 11 and Lot 19 are no longer the same entity then the Owner of Lot 11 will be required to reinstate any common wall between Lot 11 and Lot 19 to a standard acceptable to the Body Corporate.
- (5) In this By-Law - Exclusive Use Area means that area marked "C1" on the Exclusive Use Plan for Level C.

**39. Exclusive Use - Area Adjacent to Lot 19**

- (1) The Owner of Lot 19 has the exclusive use and enjoyment, for commercial purposes identical to that used in the existing Lot 19, of that part of the Common Property as identified on the Exclusive Use Plan for Level C, marked "C2".
- (2) The Owner of Lot 19:
  - (a) Is responsible for the maintenance of and any costs for that part of the Common Area to which this Exclusive Use By-Law applies.
  - (b) Indemnifies the Body Corporate against all actions, suits, demands and costs brought against the Body Corporate by any person in respect of any damage, injury, cause to any person or property in connection with the use of the Exclusive Use Area and/or any improvements constructed on or within this Exclusive Use area.
  - (c) Must keep and maintain that part of the Exclusive Use Area comprising external surfaces of any Building in good repair and condition and to a standard of at least equivalent to the

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- standard of other parts of the external surfaces of the Building.
- (d) Must regularly treat such Exclusive Use Areas for vermin.
- (3) Any construction work to be undertaken on the Exclusive Use Area including the common wall between Lots 11 and 19 is to be at the cost of the Owner of Lot 11 who will also be responsible for obtaining any approval of the Local Authority and the Body Corporate.
- (4) In the event that the occupiers of Lot 11 and Lot 19 are no longer the same entity then the Owner of Lot 11 will be required to reinstate any common wall between Lot 11 and Lot 19 to a standard acceptable to the Body Corporate.
- (5) In this By-Law - Exclusive Use Area means that area marked "C2" on the Exclusive Use Plan for Level C.

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SCHEDULE D  
INCLUDED

OTHER DETAILS REELS REQUIRED / PED / PERMITTED TO BE

Not applicable

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## SCHEDULE E

DESCRIPTION OF LOTS ALLOCATED EXCLUSIVE USE AREAS OF  
COMMON PROPERTY

Lot on Plan	Exclusive Use of Area	Use	By-Law Requirement
Lot 11 on SP129137	Area "C" on Level C - Plan	Outdoor Dining	30
Lot 11 on SP129137	Area "I" on Level E - Plan	Exhaust	33
Lot 11 on SP129137	Area "C1" on Level C - Plan	Commercial Purposes	38
Lot 12 on SP129137	Area "E" on Level C - Plan	Outdoor Dining	30
Lot 12 on SP129137	Area "G" on Level E - Plan	Exhaust	33
Lot 13 on SP129137	Area "F" on Level C - Plan	Outdoor Dining	30
Lot 19 on SP129137	Area "C2" on Level C - Plan	Commercial Purposes	39
Lot 32 on SP129137	Area "H" on Level E - Plan	Storage	31
Lot 26 on SP129137	Area "D1" on Level D - Plan	Carparking	37
Lot 27 on SP129137	Area "D12" on Level D - Plan	Carparking	37
Lot 28 on SP129137	Area "D2" on Level D - Plan	Carparking	37
Lot 29 on SP129137	Area "D3" on Level D - Plan	Carparking	37
Lot 30 on SP129137	Area "D4" on Level D - Plan	Carparking	37
Lot 31 on SP129137	Area "D5" on Level D - Plan	Carparking	37

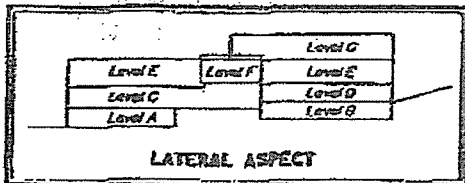
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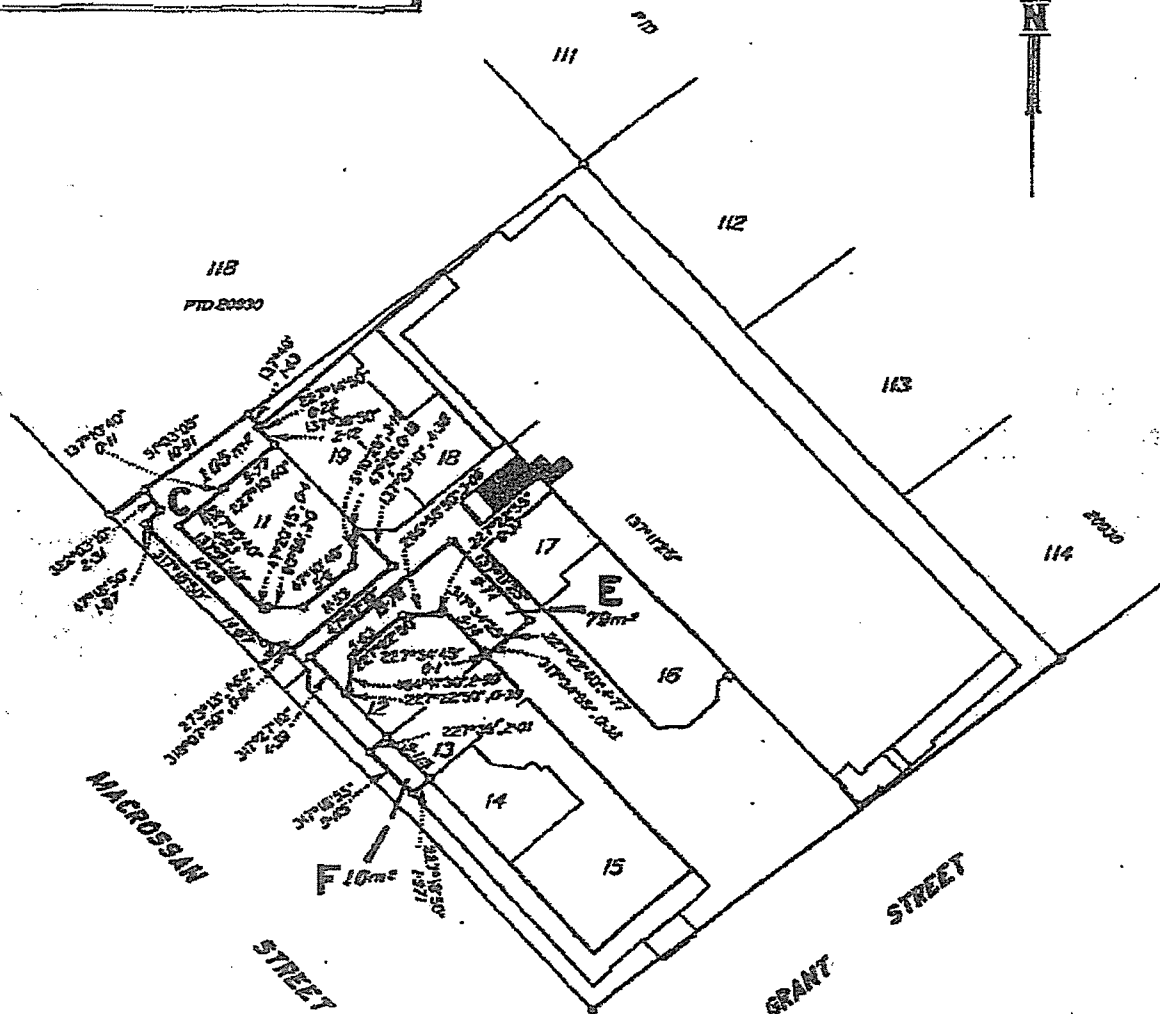
Lot 32 on SP129137	Area "D17" on Level D - Plan	Carparking	37
Lot 33 on SP129137	Area "D6" on Level D - Plan	Carparking	37
Lot 34 on SP129137	Area "D7" on Level D - Plan	Carparking	37
Lot 35 on SP129137	Area "D8" on Level D - Plan	Carparking	37
Lot 36 on SP129137	Area "D9" on Level D - Plan	Carparking	37
Lot 37 on SP129137	Area "D10" on Level D - Plan	Carparking	37
Lot 38 on SP129137	Area "D13" on Level D - Plan	Carparking	37
Lot 39 on SP129137	Area "D14" on Level D - Plan	Carparking	37
Lot 40 on SP129137	Area "D15" on Level D - Plan	Carparking	37
Lot 41 on SP129137	Area "D16" on Level D - Plan	Carparking	37
Lot 42 on SP129137	Area "D19" on Level D - Plan	Carparking	37
Lot 32 on SP129137	Area "K" on Level E - Plan	Residential and purposes associated with Management Rights Contract	36
Lot 26 - 42 on Sp 129137	Area "J" on level F Plan	Swimming Pool and Recreation	35

## SALTWATER

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## LEVEL C



Scale 1:400 - Lengths are in Metres.

0 5 10 15 20 25 30 35 40 45 50 55

PROJECT MANAGEMENT  
PLANNING  
ENVIRONMENTAL SERVICES  
SURVEYING

OLD CONSULTANTS 177 LTD  
A01 033 531 056

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### Sketch Plan of Exclusive Use

Areas C, E, & F being part of Level C Common Property  
on SP129137 for inclusion in Saltwater Community  
Titles Scheme No

PARISH: **SALISBURY**

COUNTY: **Solander**

Heritage: **RP745147**

E/N: **110**

Scale: **1:400**

Format: **SKETCH**

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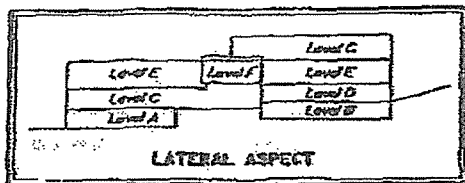
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**12/12/01**

ISSUE  
**D**

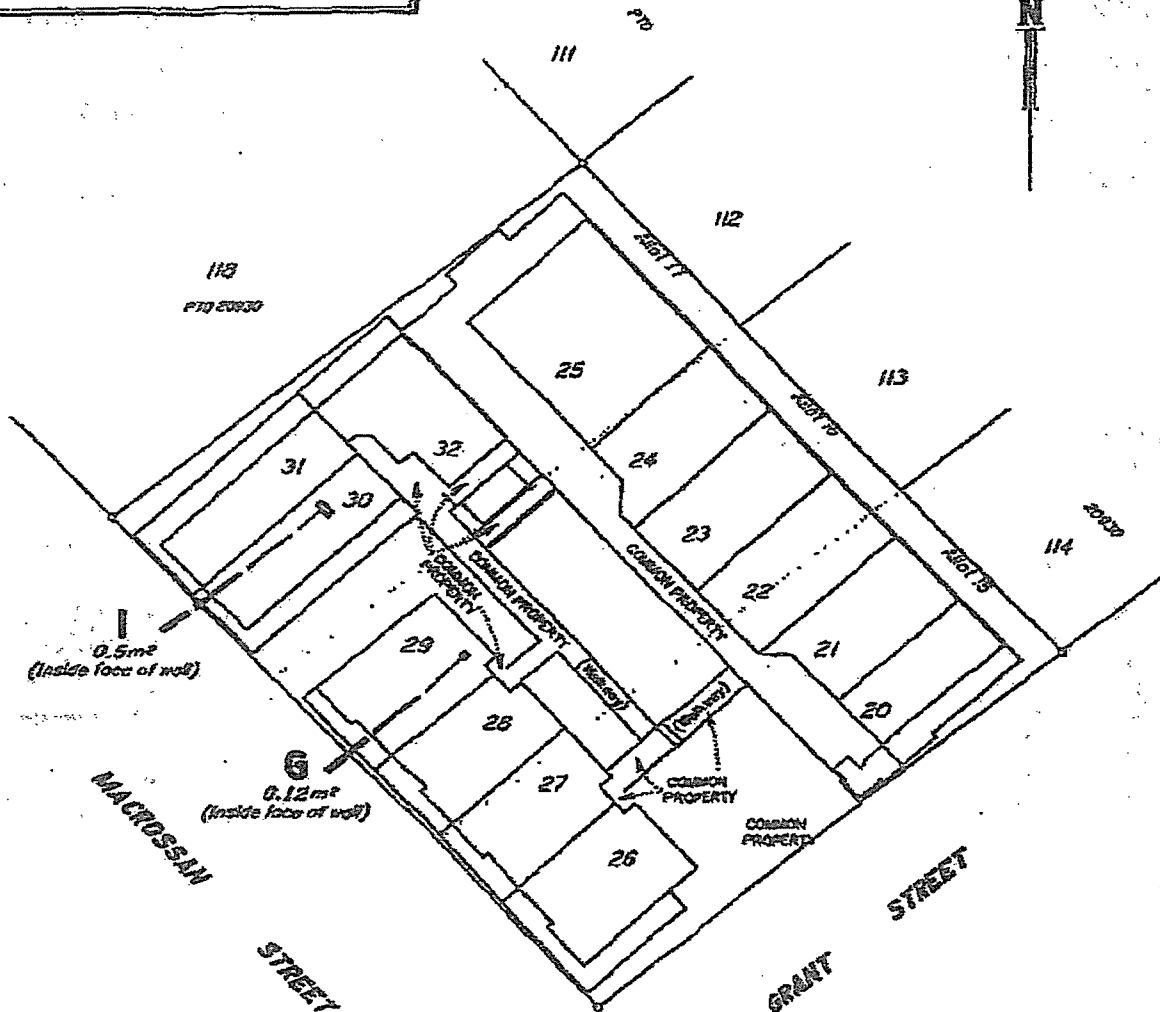
DRAWING No.  
**7138-5**

Sheet of

## SALTWATER



## LEVEL E



Scale 1:400 - Lengths are in Metres.

0 5 10 15 20 25 30 35 40 45 50 55

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## Sketch Plan of Exclusive Use

Areas 1 & G being part of Level E Common Property on  
SP129137 for inclusion in Saltwater Community Titles  
Scheme No

PARISH: SALISBURY

COUNTY: Solander

Sketch Plan RP745147

E/M = 1/0

Scale: 1:400

Format: SKETCH

DRAWING FILE:  
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AMENDED

ISSUE

DRAWING No.

7138-10

## SALTWATER

## LEVEL C

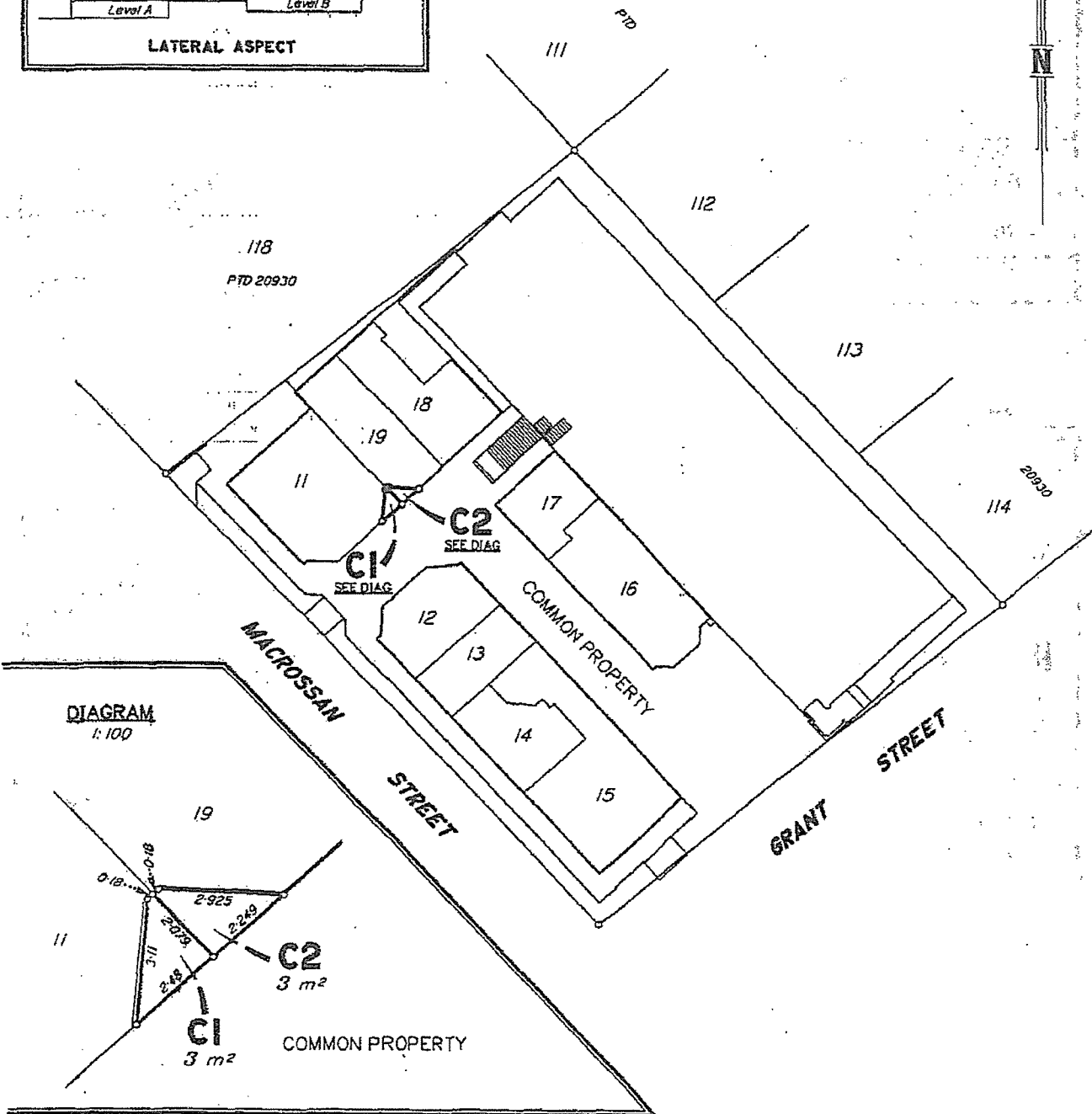
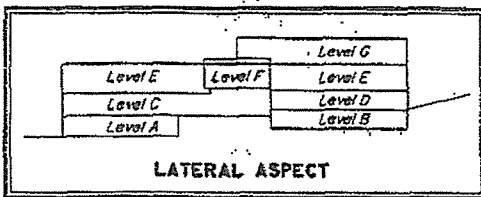
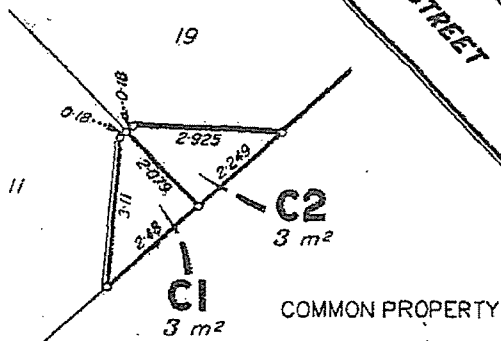
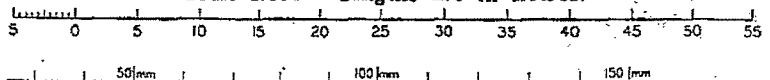


DIAGRAM  
1:100



Scale 1:400 - Lengths are in Metres.



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### Sketch Plan of Exclusive Use Areas C1 & C2

being part of Level C Common Property on  
SPI29137 for inclusion in Camaluna Apartments  
Community Title Scheme No.

PARISH: SALISBURY

COUNTY: Solander

Model: PD745147

Scale: 1:400

Format: SKETCH

Drawing No:

7138\_16

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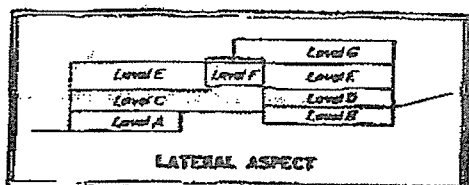
CAIRNS OFFICE  
Tel: (07) 4031 2336  
Fax: (07) 4031 2342

PO Box 3549 CAIRNS QLD 4870  
Fax: (07) 4031 2342

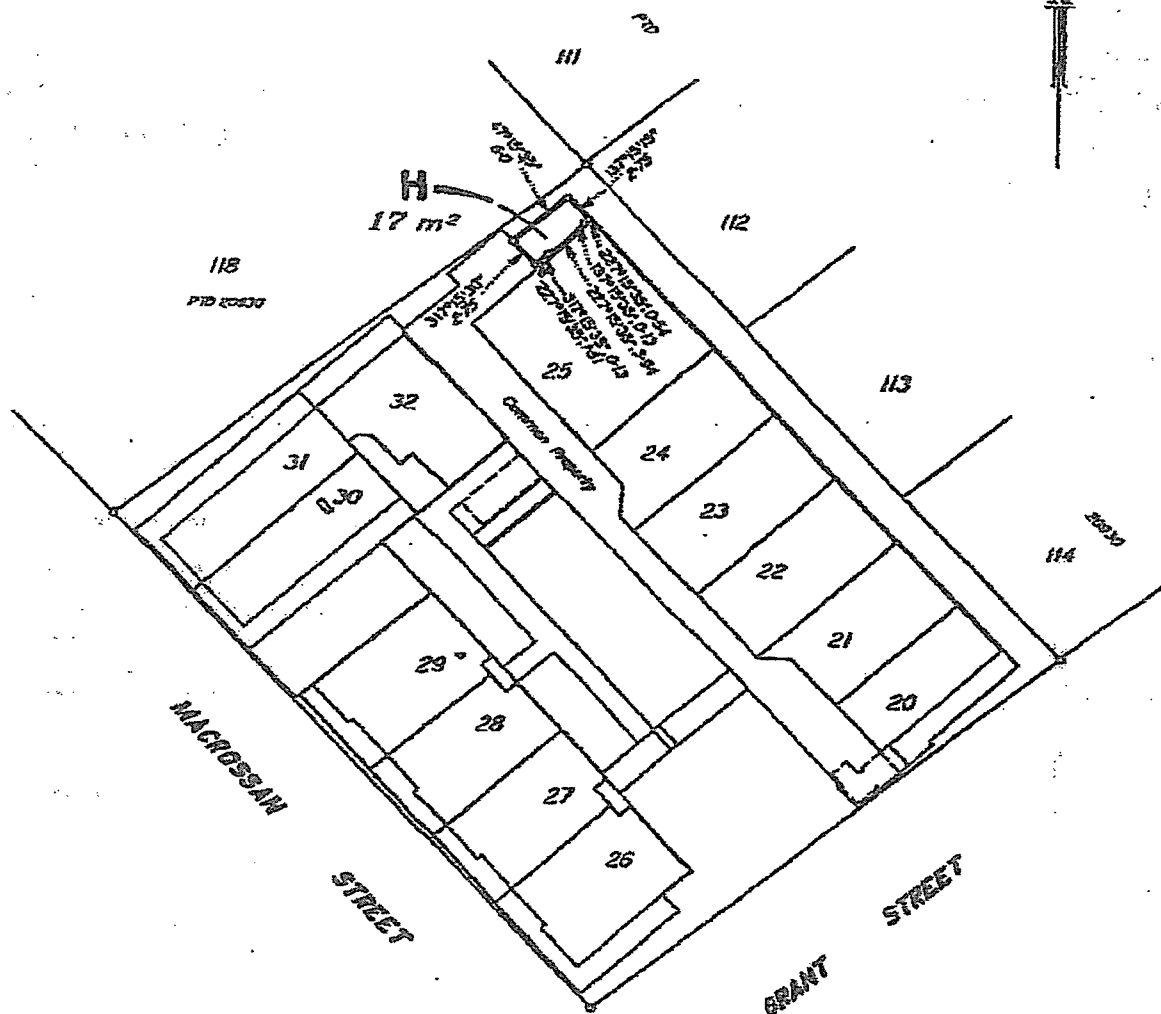


## SALTWATER

Sheet of



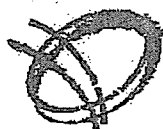
## LEVEL E



Scale 1:400 - Lengths are in Metres.

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### Sketch Plan of Exclusive Use

Area H being part of Level E Common Property on  
SP129137 for inclusion in Saltwater Community Titles  
Scheme No

PARISH: SALISBURY

COUNTY: Solander

Meridian: RP745147

F/Nr No

Scale: 1:400

Format: SKETCH

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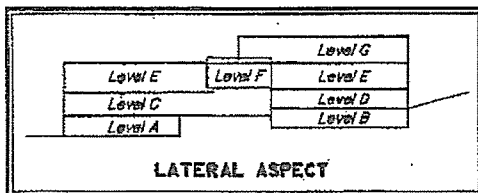
AMENDED  
20/12/11

ISSUE  
A

DRAWING No.

7138-9

UPPER CARPARKING

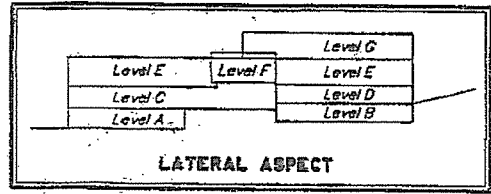
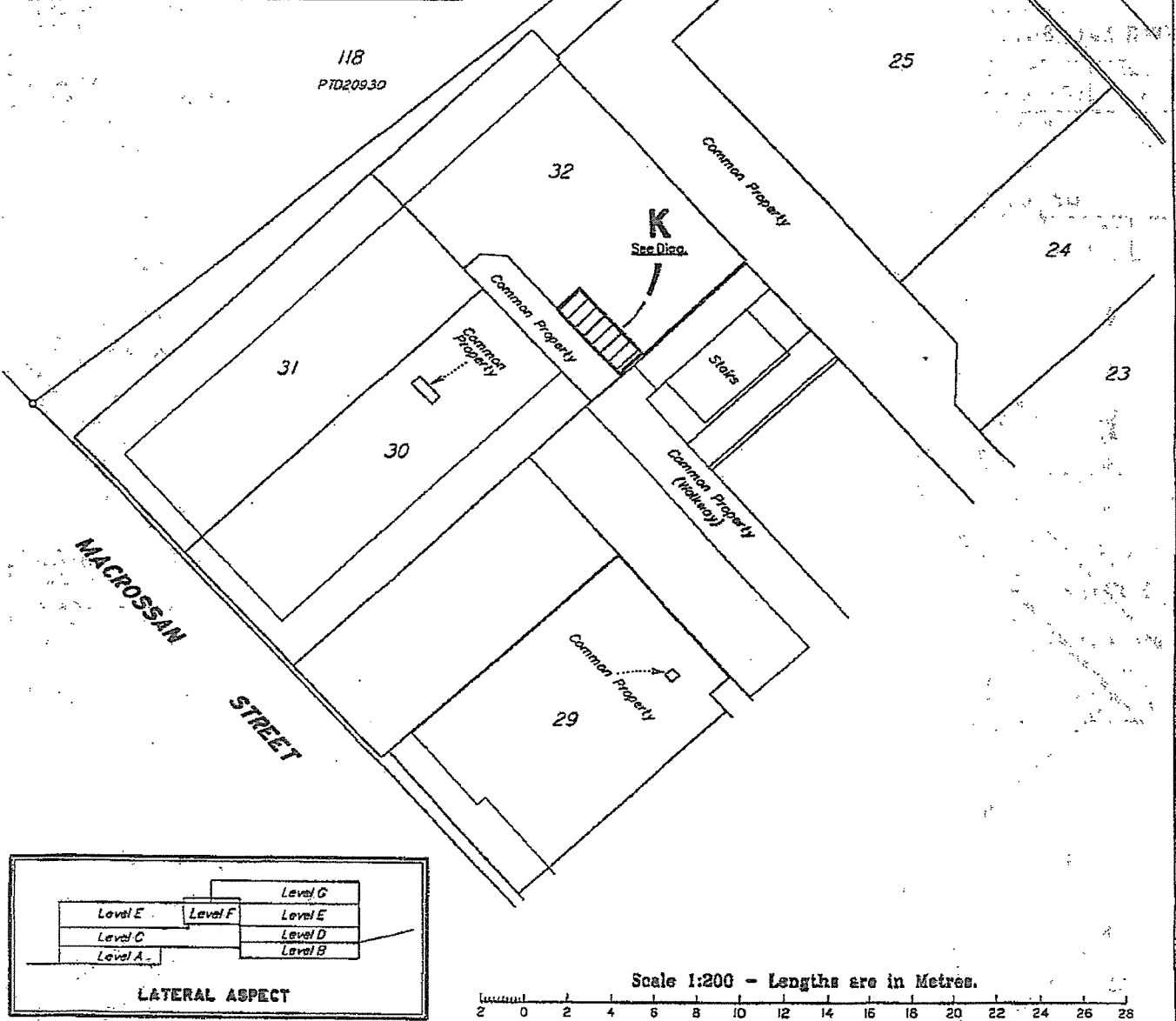
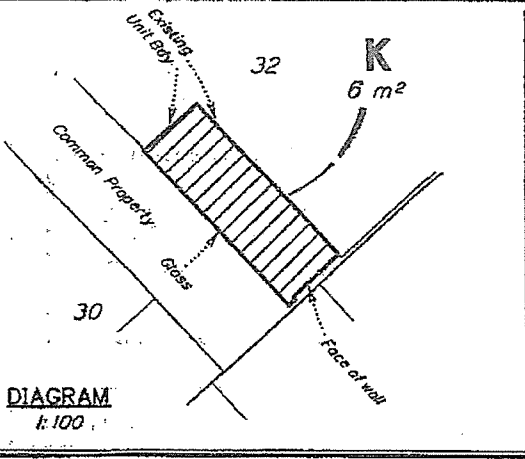


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DRAWING No. 7138-13

# SALTWATER LEVEL E

DIAGRAM  
1:100



Scale 1:200 - Lengths are in Metres.  
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50mm 100mm 150mm

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**Sketch Plan of Exclusive Use Areas K**

being part of Level E of Common Property on  
SP129137 for inclusion in Saltwater  
Community Title Scheme No. 30139

PARISH: **SALISBURY** COUNTY: **SOLANDER**

Meridian: **RP745147**

Scale: **1:200**

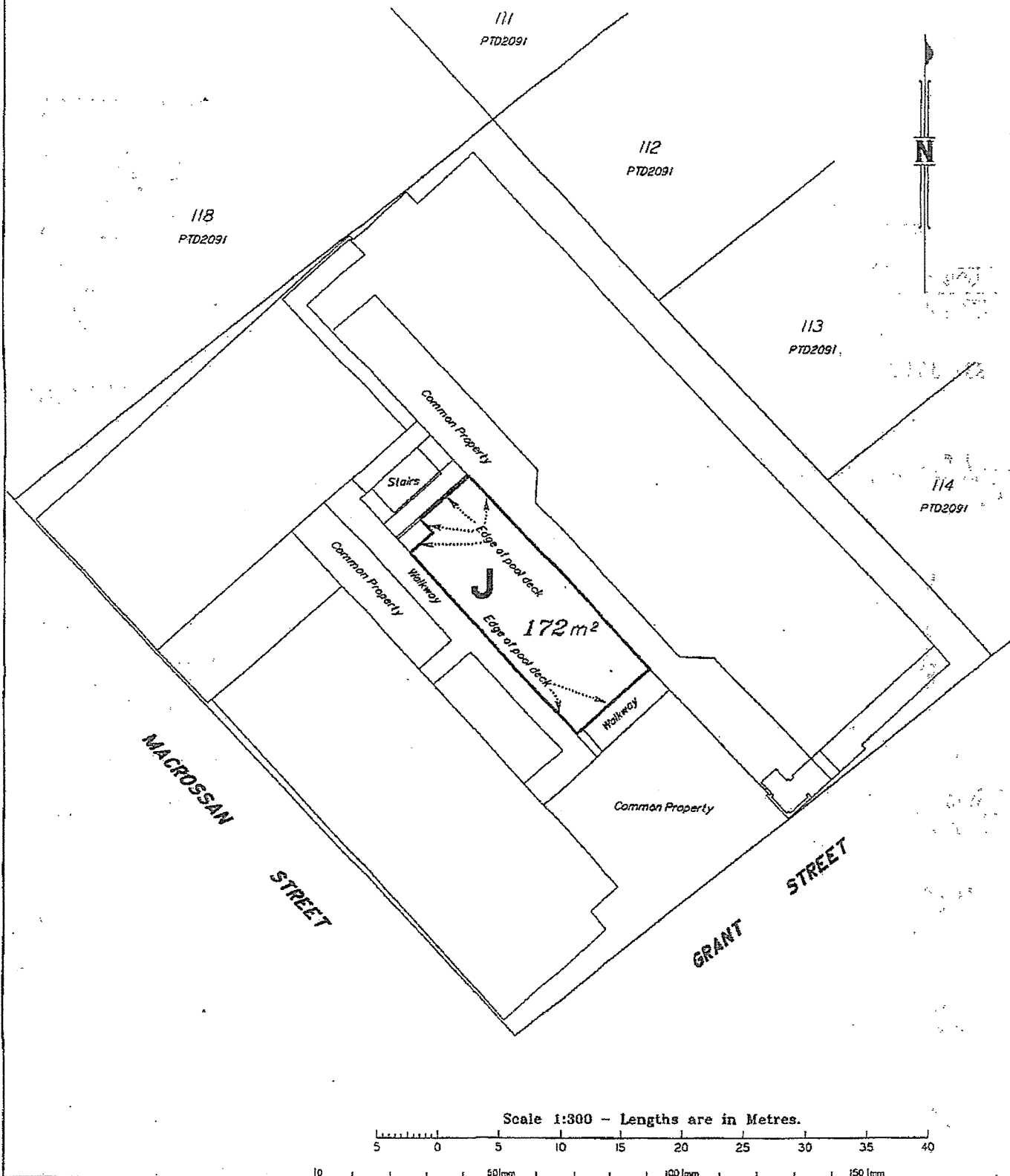
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Drawing No: **7138-12**

Drawing File: **7138\_13.DWG**

F/N's: **No**

Level F



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**Sketch Plan of Exclusive Use  
Area J**

being Level F Common Property on  
SPI29137 for inclusion in Saltwater  
Community Title Scheme No. 30139

PARISH: **SALISBURY**

COUNTY: **Solander**

Meridian: **PTD2091**

F/N's: **No**

Scale: **1:300**

Format: **SKETCH**

Drawing No:

**7138-11**

Drawing File:

**7138\_I2.DWG**

## BENCHMARK ASSESSMENT



20201835 – 12/26-30 Macrossan Street, Port Douglas

## **6.2.1 Centre zone code**

### **6.2.1.1 Application**

- (1) This code applies to assessing development in the Centre zone.
- (2) When using this code, reference should be made to Part 5.

### **6.2.1.2 Purpose**

- (1) The purpose of the Centre zone code is to provide for a mix of land uses and activities.
  - (a) These uses include, but are not limited to, business, retail, professional, administrative, community, entertainment, cultural and residential activities.
  - (b) Centres are found at a variety of scales based on their location and surrounding activities.
- (2) The local government purpose of the code is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 1 : Settlement pattern, Element 3.4.3 Activity Centres.
    - (ii) Theme 4 : Strong communities and identity, Element 3.7.4 Sense of place, community and identity, Element 3.7.6 Arts and Culture
    - (iii) Theme 5 : Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.3 Tourism.



20201835 – 12/26-30 Macrossan Street, Port Douglas

(b) provide for a mix of uses and level of economic and social activity to serve community needs.

(3) The purpose of the code will be achieved through the following overall outcomes:

- (a) Development creates a range of retail, commercial, community and residential uses.
- (b) Development is consistent with any location specific provisions contained within a Local Plan.
- (c) Development provides activation and surveillance at ground level where adjoining roads or other public spaces.
- (d) Development is integrated and coordinated both within the site and in relation to surrounding land uses and activities.
- (e) Development provides a built form that establishes a cohesive streetscape and continuous pedestrian connections and shelters.
- (f) Development is sensitively designed and managed to mitigate impacts on surrounding sensitive land uses.
- (g) Development has access to infrastructure and services.

#### 6.2.1.3 Criteria for assessment

**Table 6.2.1.3.a - Centre zone – assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>PO1</b> The height of all buildings is in keeping with the character of the surrounding residential	<b>AO1</b> The maximum height of buildings and structures is:	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building.



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Performance outcomes	Acceptable outcomes	Compliance
neighbourhoods and must not adversely affect the amenity of the neighbourhood.	(a) in accordance with the provisions of any applicable local plan; (b) if no local plan applies, not more than 8.5 metres and two storeys in height. Note - Height is inclusive of the roof height.	
<b>PO2</b> The siting of buildings contributes to the use of the land, desired amenity and character of the area and protects the amenity of other land uses.	<b>AO2.1</b> Buildings and structures are setback to road frontages: (a) in accordance with the provisions of any applicable local plan; (b) a minimum of 6 metres where no local plan applies or there are no particular provisions specified in the local plan for the site.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building.
	<b>AO2.2</b> Where adjoining land in the Industry zone, buildings are setback: (a) 0 metres from the side and rear boundaries; or	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building.





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Performance outcomes	Acceptable outcomes	Compliance
	(b) 2.5 metres or $\frac{1}{4}$ of the height of the building, whichever is the greater; and (c) not any distance between 0 metres and 2.5 metres.	
	<b>AO2.3</b> Where adjoining land in any other zone, buildings are setback 3 metres or $\frac{1}{4}$ of the height of the building, whichever is the greater and are provided with an acoustic barrier in accordance with the recommendations of a qualified acoustic expert.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building.
	<b>AO2.4</b> Setback areas are provided with a 2 metre landscaped strip capable of deep planting, which is kept clear of service equipment and storage areas:	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(a) adjacent to the road frontage in all areas not required for pedestrian or vehicular access for the setback area nominated in AO2.1(b) above;</p> <p>(b) adjacent to the boundary with the other zone for the setback area nominated in AO2.3 above.</p>	
<p><b>PO3</b></p> <p>The site coverage of buildings ensures that there is sufficient space available to cater for services, landscaping and on-site parking.</p>	<p><b>AO3</b></p> <p>Site coverage does not exceed 80%, unless otherwise specified in a Local plan.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building.</p>
<b>For assessable development</b>		
<p><b>PO4</b></p> <p>The establishment of uses is consistent with the outcomes sought for the Centre zone and protects the zone from the intrusion of inconsistent uses.</p>	<p><b>AO4</b></p> <p>Inconsistent uses as identified in Table 6.2.1.3.b are not established in the Centre zone.</p>	<p><b>Complies with AO4</b></p> <p>The proposed development of a Multiple Dwelling for permanent occupancy is not identified as an incompatible use.</p>
<p><b>PO5</b></p>	<p><b>AO5</b></p> <p>Development complies with the requirements specified in a local plan.</p>	<p><b>Complies with AO5</b></p> <p>Refer to the assessment against the Local Plan Code.</p>



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Performance outcomes	Acceptable outcomes	Compliance
Development provides a range of convenient goods and services for the daily needs of discrete residential communities.		
<b>PO6</b> Development does not lower the standard of amenity in terms of air, noise, odour, electrical interference and vibrations at any land use associated with the: (a) the Accommodation activity group, located outside the Centre zone; (b) the Sensitive land use activity group, located outside the Centre zone.	<b>AO6</b> No acceptable outcomes are prescribed.	<b>Complies with AO6</b> The change of use from a self-contained tourist unit to a Multiple Dwelling capable of permanent occupation would not have any greater impact on the amenity of the area.
<b>PO7</b> Reconfiguration of land results in: (a) a practical layout for centre land use activities, generally consisting of regular rectangular-shaped lots. (b) lots no less than 600m <sup>2</sup> in area	<b>AO7</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> No reconfiguration is proposed.



20201835 – 12/26-30 Macrossan Street, Port Douglas

**Table 6.2.1.3.b — Inconsistent uses within the Centre zone.**

Inconsistent uses		
<ul style="list-style-type: none"> <li>• Air services</li> <li>• Animal husbandry</li> <li>• Animal keeping</li> <li>• Aquaculture</li> <li>• Brothel</li> <li>• Cemetery</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Environment facility</li> <li>• Extractive industry</li> <li>• High impact industry</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> </ul>	<ul style="list-style-type: none"> <li>• Major electrical infrastructure</li> <li>• Major sport and entertainment facility</li> <li>• Marine industry, except where located within sub precinct 1b Waterfront North in the Port Douglas / Craiglie Local Plan.</li> <li>• Medium impact industry</li> <li>• Motor sport facility</li> <li>• Outstation</li> <li>• Permanent plantation</li> </ul>	<ul style="list-style-type: none"> <li>• Relocatable home park</li> <li>• Renewable energy facility, being a wind farm</li> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Roadside stall</li> <li>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Special industry</li> <li>• Tourist park</li> <li>• Transport depot</li> <li>• Utility installation</li> <li>• Winery</li> </ul>

Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.



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## **7.2.4 Port Douglas/Craigie local plan code**

### **7.2.4.1 Application**

- (1) This code applies to assessing development within the Port Douglas/Craigie local plan area as identified on the Port Douglas/Craigie local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

### **7.2.4.2 Context and setting**

Editor's note - This section is extrinsic material under section 15 of the *Statutory Instruments Act 1992* and is intended to assist in the interpretation of the Port Douglas/Craigie local plan code.

The Port Douglas/Craigie local plan encompasses the traditional Port Douglas town centre and surrounding tourist and residential areas, including Four Mile Beach and Craigie.

Port Douglas was officially named in 1877. It was initially settled as the port of entry and supply for the Hodgkinson goldfield on the Hann Tableland which was proclaimed in 1876. It was the dominant port in Far North Queensland until a decision was made to establish Cairns as the terminus for a new railway in 1884. This ended the town's dominance, and it gradually became a small centre for local residents and fishing activities. During the 1970s and 1980s, a renewed interest in Far North Queensland as a holiday destination led to a boom in large scale tourism and residential development with Port Douglas re-emerging as a premium destination.

The Captain Cook Highway runs north-south to the west of Port Douglas through Craigie (Four Mile). Craigie caters for the permanent resident population associated with Port Douglas, as well as providing for service industries to support business in the town. The majority of urban development is confined to the eastern side of the highway. The main entrance to Port Douglas at the intersection of Port Douglas Road is accentuated by mature oil palms lining both



20201835 – 12/26-30 Macrossan Street, Port Douglas

sides of the street for almost the entire length of the corridor into the heart of Port Douglas.

Flagstaff Hill is a prominent headland on the northern side of the Port Douglas town centre providing a green tropical backdrop to the town. Island Point Road runs to the top of Flagstaff Hill and provides access to the iconic lookout overlooking the sweep of Four Mile Beach.

Macrossan Street is the main shopping area in Port Douglas running in a general east-west direction at the base of Flagstaff Hill connecting Four Mile Beach to Dickson Inlet. Tourist and commercial development is concentrated towards the western side of Macrossan Street, with marine orientated activity focussed around the inlet. The western side of the inlet provides unspoiled views across mangroves to the distinctive formations and features of the coastal range.

The street pattern in the town centre is based on the original grid pattern survey of 1878. While the town has lost many of its original buildings to cyclones and redevelopment, a number of important built features remain including the Central Hotel, the Court House Hotel, a number of relocated buildings such as St Mary's Church, the former Clink Theatre and the Court House Museum and scattered memorials such as the Carstens memorial in Macrossan Street and the Port Douglas War memorial in Wharf Street. The Sugar Wharf on Dickson Inlet was the original terminus of the tramline to Mossman. The tramline now terminates adjacent to the Port Douglas marina and operates as the Balley Hooley passenger service on four kilometres of track between the Port Douglas Marina and St Crispins Station.

A particular characteristic of the local plan area is its high quality, lush landscaping complementing the tropical resort town atmosphere. This theme will be carried throughout the local plan area with gateways, nodes and corridor planting emphasising the role of the town as a tropical tourist destination.



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#### **7.2.4.3 Purpose**

- (1) The purpose of the Port Douglas/Craigie local plan code is to facilitate development outcomes consistent with community values, the local tropical built-form and protection of the natural environment within the Port Douglas/Craigie local plan area, while providing a platform for investment and prosperity.
  - (a) In addition, the purpose of the code is supported by the Port Douglas Waterfront Master Plan which provides a clear strategic direction for the incremental transformation of the Port Douglas Waterfront, including the following objectives:
    - (b) To set out a vision for revitalisation of the waterfront;
    - (c) To protect and enhance the environmental attributes; and
- (2) To provide a flexible framework, expressed through several key strategies that will assist the Council and community in managing change.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Port Douglas will continue to develop as the premium destination for international and domestic tourists in the Far North Queensland Region, while also acting for permanent residents attracted to the associated lifestyle.
  - (b) Major tourist, retail, dining and entertainment facilities will consolidate in the Town Centre and the Waterfront North sub-precincts, with improved pedestrian connections between the town centre and the waterfront.
  - (c) Craigie will develop as an integrated residential community with some low scale tourism development opportunities in appropriate locations. Craigie will also function as small scale commercial and light industry node, providing employment opportunities for the Shire's permanent resident population.
  - (d) All forms of development will complement the tropical image of the town through distinctive tropical vernacular, urban design and landscaping.
  - (e) Character will be enhanced through the identification of gateway sites, landmarks, main approach routes and pedestrian thoroughfares and view corridors;
  - (f) The Flagstaff Hill, Dickson Inlet, Four Mile Beach and other areas of scenic and environmental significance will be protected from development. Vegetation cover will dominate over built form.
  - (g) Vegetation, iconic to the character of Port Douglas, including the avenues of Oil Palms, is retained and where appropriate supplemented.



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- (h) Development will be indistinguishable from view from Four Mile Beach. In addition, any development on Flagstaff Hill will be indistinguishable when viewed from vantage points in Port Douglas.
- (i) Residential areas are designed as pleasant, functional and distinctive, in visually well-defined areas.
- (4) The purpose of the code will be further achieved through the following overall outcomes:
  - (a) Precinct 1 – Port Douglas precinct
    - (i) Sub-precinct 1a – Town Centre sub-precinct
    - (ii) Sub-precinct 1b – Waterfront North sub-precinct
    - (iii) Sub-precinct 1c – Waterfront South sub-precinct
    - (iv) Sub-precinct 1d – Limited Development sub-precinct
    - (v) Sub-precinct 1e – Community and recreation sub-precinct
    - (vi) Sub-precinct 1f – Flagstaff Hill sub-precinct
  - (b) Precinct 2 – Integrated Resort precinct
  - (c) Precinct 3 – Craiglie Commercial and Light Industry precinct
  - (d) Precinct 4 – Old Port Road / Mitre Street precinct
  - (e) Precinct 5 – Very Low Density Residential/ Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct

#### **Precinct 1 – Port Douglas precinct**

- (5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
  - (a) development will contribute to the incremental transformation of the township, preserving and enhancing maritime activities and environmental areas, delivering tropical open spaces and a high quality public realm, and allowing for tourism opportunities and investment.
  - (b) development contributes to the enhancement of the Port Douglas precinct through the following development outcomes:
    - (i) access and connectivity throughout the township is enhanced through a series of improvements to circulation and mobility, including:.





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- (A) access to, and connectivity along, the waterfront and foreshore areas is maintained and, where appropriate, enhanced;
- (B) reducing reliance on the waterfront as a car parking resource.
- (ii) the use of land in the Port Douglas precinct improves the cohesive layout of the township through:
  - (A) the establishment of distinct sub-precincts that reinforce the character and built form of the Port Douglas local plan area including:
    - Port Douglas centre sub-precinct 1a – Town Centre sub-precinct;
    - Port Douglas centre sub-precinct 1b – Waterfront North sub-precinct;
    - Port Douglas centre sub-precinct 1c – Waterfront South sub-precinct;
    - Port Douglas centre sub-precinct 1d – Limited development sub-precinct;
    - Port Douglas centre sub-precinct 1e – Community and recreation precinct;
    - Port Douglas centre sub-precinct 1f – Flagstaff Hill sub-precinct;
- (B) facilitating marina facilities and supporting marine industry uses as a key part of the local economy;
- (C) reducing conflict between industry, community and commercial activities in the waterfront, without diminishing the marine industry capacity in the Port Douglas precinct;
- (i) environment and sustainability is integrated into the township through:
  - (A) preservation and enhancement of the qualities and characteristics of environmental areas of the township;
  - (B) water sensitive urban design is considered as a means of water quality improvement and management of overland flow to ensure hard infrastructure solutions in Warner Street can be mitigated;
  - (C) design of buildings and access way improvements prioritises walking and cycling modes of transport.
- (ii) the tropical character of the Port Douglas precinct is enhanced by ensuring development:
  - (A) maintains and enhances the built form, local character, streetscapes and natural elements of the township;



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- (B) is compatible with the desired character and amenity of local places and neighbourhoods;
- (C) does not exceed the height of buildings designations which contribute to the desired form of the township which contains three storey development heights in sub-precinct 1a – Town Centre sub-precinct and part of sub-precinct 1b – Waterfront North sub-precinct;
- (D) implements high quality landscaped environments around buildings and on streets;
- (E) protects the recognisable character and locally significance sites throughout the precinct.
- (iii) public spaces and the streetscape are enhanced through:
  - (A) an increase in the quantity and quality of public land and places throughout the precinct;
  - (B) consolidating community recreation and sporting uses to create a precinct of community focussed activity between Mudlo Street and Wharf Street;
  - (C) improved connections between the town centre and the waterfront marina, including an investigation of a plaza on the waterfront;
  - (D) improved streetscapes with high quality landscaping, surface treatments and shaded pedestrian environments;
  - (E) the creation of a sense of place through aesthetic streetscapes and built-form character;
  - (F) managing vegetation to ensure succession of planting and the ongoing presence of significant trees.
- (iv) advertising signage is small scale, low-key and complements the tropical character of the town.

#### **Sub-precinct 1a – Town Centre sub-precinct**

- (6) In addition to other overall development outcomes, development in the Town Centre sub-precinct facilitates the following development outcomes:
  - (a) tourist, retail, dining and entertainment activities are facilitated at an appropriate pedestrian scale;
  - (b) drive-through developments, bulky goods showrooms, outdoor sales, saleyards and other big-box retailing or entertainment facilities are not established;



20201835 – 12/26-30 Macrossan Street, Port Douglas

- (c) development contributes to a high quality public realm;
- (d) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;
- (e) consolidation of community and cultural land use activities along Mowbray Street between Wharf Street and Mudlo Street;
- (f) active street frontages are established along Macrossan and Wharf Streets and other nearby streets as shown on the Port Douglas Centre Active Frontages and Pedestrian and Cycle Network Plan;
- (g) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer.

#### **Sub- precinct 1b - Waterfront North sub-precinct**

- (7) In addition to other overall development outcomes, development in the Waterfront North sub-precinct facilitates the following development outcomes:
  - (a) the precinct evolves as a revitalised open space and waterside development precinct;
  - (b) development within the precinct is designed to be sympathetic to the environmentally sensitive Dickson Inlet and mitigates any adverse impacts;
  - (c) the establishment of mixed-use development is facilitated to promote activity and vitality;
  - (d) public pedestrian access is maximised along the extent of the edge of the waterfront, consisting of a boardwalk or similar structure available for 24-hour use;
  - (e) development contributes to a high quality public realm;
  - (f) built form provides an attractive point of arrival from both land and sea;
  - (g) pedestrian connectivity is safe, efficient and provides for the needs of all users of the Port Douglas waterfront;
  - (h) parking (and associated infrastructure) does not undermine the relationship between buildings and street or pedestrian circulation patterns;
  - (i) the importance of existing marine-based industries to the area is recognised, not diminished and protected from incompatible uses. Relocation of marine based industries to an alternative precinct does not occur until such time that agreement has been reached among all relevant



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stakeholders such that development does not diminish the viability of marine based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners;

- (j) marine infrastructure is established to service the tourism, fishing and private boating community;
- (k) Live entertainment activities are concentrated within the Live Entertainment Precinct and are subject to the recommendations of a suitably qualified acoustic engineer;
- (l) the functionality of the Balley Hooley tourist rail is retained.

#### **Sub-precinct 1c – Waterfront South sub-precinct**

- (8) In addition to all other overall development outcomes, development in the Waterfront South sub-precinct facilitates the following development outcomes:
  - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
  - (b) marine-based industries are established on appropriate land having regard to site suitability, accessibility, surrounding land uses, and location of utilities and services;
  - (c) marine-based industry achieves appropriate environmental standards;
  - (d) industrial buildings have a high standard of layout and building design;
  - (e) landscaping provides an attractive streetscape and screens utility, storage and car parking from the street and other public areas;
  - (f) the precinct is protected from encroachment of incompatible land use activities.

#### **Sub-precinct 1d – Limited Development sub-precinct**

- (9) In addition to all other overall development outcomes, development in the Limited Development sub-precinct facilitates the following development outcomes:
  - (a) any use of land in the precinct does not affect the environmental, habitat, conservation or scenic values of Dickson Inlet and surrounding land;
  - (b) the open nature and character of the precinct is retained maintaining view lines across the inlet;



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- (c) community and recreation land use activities are established that promote public access to the foreshore.

#### **Sub-precinct 1e – Community and recreation sub-precinct**

- (10) In addition to all other overall development outcomes, development in the Community and recreation sub-precinct facilitates the following development outcomes:
  - (a) development for community uses, including sport and recreation is facilitated.
  - (b) sport and recreation activities predominantly involve outdoor activities;
  - (c) areas of natural vegetation are protected from further development;
  - (d) shade trees are increased, in appropriate locations, surrounding the sports fields.

#### **Sub-precinct 1f – Flagstaff Hill sub-precinct**

- (11) In addition to all other overall development outcomes, development in the Flagstaff Hill sub-precinct facilitates the following development outcomes:
  - (a) development is not established where it results in detriment to the vegetated and scenic qualities of Flagstaff Hill;
  - (b) development minimises excavation and filling;
  - (c) buildings and other works are unobtrusive when viewed from vantage points in Port Douglas and are designed and constructed of colours and materials which complement the hill's vegetated state;
  - (d) views from public viewing points within the precinct are protected.

#### **Precinct 2 – Integrated Resort precinct**

- (12) In addition to the overall outcomes, development in the Integrated Resort precinct facilitates development in accordance with the *Integrated Development Resort Act, 1987*.



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Editor's note – The development of land within this precinct is subject to the Integrated Development Resort Act 1987 (IDRA). Where a conflict exists between this planning scheme and the IDRA, the IDRA prevails.

### **Precinct 3 – Craiglie Commercial and Light Industry precinct**

- (13) In addition to the overall outcomes, development in the Craiglie Commercial and Light Industry precinct facilitates the following overall outcomes:
- (a) development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Centre Precinct unless they pose a safety issue;
  - (b) development adjacent to the Captain Cook Highway presents an attractive appearance to the highway. The rain-trees, melaleucas and eucalypt trees along the Captain Cook Highway are retained where possible, taking into account the Department of Transport and main Road's requirements;
  - (c) retailing activities are generally restricted to those which are ancillary and necessarily associated with the primary service and light industry nature of the area;
  - (d) adjacent residential areas are protected from industry nuisances;
  - (e) lots fronting Downing Street, between Dickson Street and Beor Street, are provided with an appropriate standard of road access and infrastructure, prior to development occurring.

### **Precinct 4 – Old Port Road / Mitre Street precinct**

- (14) In addition to the overall outcomes, development in the Old Port Road / Mitre Street precinct facilitates the following overall outcomes:
- (a) the precinct is intended to be used for outdoor recreational land use activity, primarily as a golf course;
  - (b) areas of significant vegetation are protected from development and retained;



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- (c) other forms of development will only be considered if substantial areas of open space are retained adjacent to existing residential areas to maintain the existing residential amenity of open views across open space.

**Precinct 5 – Very Low Density Residential/Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct**

- (15) In addition to the overall outcomes, development in the Very Low Residential Density/Low Scale Recreation/Low Scale Educational/Low Scale Entertainment Uses precinct facilitates the following overall outcomes:
- (a) residential accommodation does not exceed a maximum of 8.5 metres in building height;
  - (b) minimum lot sizes exceed 2 hectares;
  - (c) very low scale and intensity recreation/ very low scale and intensity educational/ and very low scale entertainment uses may be appropriate in areas of the precinct subject to erosion and other flooding constraints.

Note - Undeveloped lots in this precinct are located on very low-lying land. Council may consider a consolidation of existing land titles via lot reconfiguration to lot sizes less than 2 hectares, where the reconfigured lots are consolidated onto the highest terrain, to avoid a pattern of development consisting of dwelling houses located on isolated islands of raised building pads.



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#### 7.2.4.4 Criteria for assessment

**Table 7.2.4.4.a — Port Douglas / Craiglie local plan - assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>Development in the Port Douglas / Craiglie local plan area generally</b>		
<b>PO1</b> Pedestrians, cyclists, motorists and public transport users can easily move into and through the precinct along planned connectivity routes, identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2.	<b>AO1</b> A pedestrian and cycle movement network is integrated and delivered through development.	<b>Not Applicable</b> The proposed development does not trigger a requirement for a pedestrian or cycle network.
<b>PO2</b> Development retains and enhances key landscape elements including character trees and areas of	<b>AO2.1</b> Development provides for the retention and enhancement of existing mature trees and	<b>Not Applicable</b> The proposed development would be contained within an existing building and would not require





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Performance outcomes	Acceptable outcomes	Compliance
significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the context of Port Douglas / Craigie (as identified on the Port Douglas/ Craigie Townscape Plan map contained in Schedule 2).	<p>character vegetation that contribute to the lush tropical character of the town, including:</p> <ul style="list-style-type: none"> <li>(a) the tree covered backdrop of Flagstaff Hill;</li> <li>(b) natural vegetation along watercourses, in particular the Mowbray River, Beor Creek and Dickson Inlet;</li> <li>(c) the tidal vegetation along the foreshore;</li> <li>(d) beachfront vegetation along Four Mile Beach, including the fringe of Coconut Palms;</li> <li>(e) the oil palm avenues along the major roads;</li> <li>(f) the lush landscaping within major roundabouts at key nodes;</li> <li>(g) Macrossan Street and Warner Street;</li> <li>(h) Port Douglas waterfront.</li> </ul>	the removal of vegetation.
	<b>AO2.2</b>	<b>Not Applicable</b>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>Development protects and does not intrude into important views and vistas as identified on the Port Douglas Townscape Plan map contained in Schedule 2, in particular:</p> <p>(a) Flagstaff Hill;</p> <p>(b) Four Mile Beach;</p> <p>(c) Across to the ranges over Dickson Inlet;</p> <p>(d) Mowbray Valley.</p>	<p>The proposed development would be wholly contained within an existing building.</p>
	<p><b>AO2.3</b></p> <p>Important landmarks, memorials and monuments are retained.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>
<p><b>PO3</b></p> <p>Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the</p>	<p><b>AO3</b></p> <p>Development adjacent to the gateways and nodes as identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 incorporates</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>



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Performance outcomes	Acceptable outcomes	Compliance
Port Douglas / Craiglie local plan maps contained in Schedule 2.	architectural features and landscaping treatments and design elements that enhance the sense of arrival and way finding within the town.	
<b>PO4</b> Landscaping of development sites complements the existing tropical character of Port Douglas and Craiglie.	<b>AO4</b> Landscaping incorporates the requirements of Planning scheme policy SC6.7 – Landscaping, in particular landscaping should be capable of achieving a 60% screening of development within 5 years and predominantly consists of endemic vegetation.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building
<b>PO5</b> Development does not compromise the safety and efficiency of the State-controlled road network.	<b>AO5</b> Direct access is not provided to a State-controlled road where legal and practical access from another road is available.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building
<b>For assessable development</b>		



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Performance outcomes	Acceptable outcomes	Compliance
<b>Additional requirements in Precinct 1 – Port Douglas precinct</b>		
<b>PO6</b>  The views and vistas identified on the Port Douglas / Craiglie local plan maps contained in Schedule 2 are maintained.	<b>AO6.1</b>  Development does not impede continued views to scenic vistas and key streetscapes within the local plan area.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building
	<b>AO6.2</b>  Unless otherwise specified within this Local Plan, buildings are set back not less than 6 metres from the primary street frontage.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building
<b>PO7</b>  Vehicle access, parking and service areas:  (a) do not undermine the relationship between buildings and street or dominate the	<b>AO7.1</b>  For all buildings, parking is:  (a) to the side of buildings and recessed behind the main building line; or	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building



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Performance outcomes	Acceptable outcomes	Compliance
<p>streetscape;</p> <p>(b) are designed to minimise pedestrian vehicle conflict;</p> <p>(c) are clearly identified and maintain ease of access at all times.</p>	<p>(b) behind buildings; or</p> <p>(c) wrapped by the building façade, and not visible from the street.</p>	
	<p><b>AO7.2</b></p> <p>Ground level parking incorporates clearly defined pedestrian routes.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>
	<p><b>AO7.3</b></p> <p>Any porte-cocheres, disabled and pedestrian accesses are accommodated within the boundary of new or refurbished development.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>
	<p><b>AO7.4</b></p> <p>Where the development is an integrated mixed-use development incorporating short term accommodation or multiple dwellings and either food and drink outlet or hotel or shop or shopping</p>	<p><b>Complies with AO7.4</b></p> <p>Refer to the assessment against the Access, Parking and Servicing Code.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	centre or office, on-site parking spaces are provided as per the number prescribed in the Parking and access code with a relaxation of 30% of spaces required for the non-residential uses.	
	<b>AO7.5</b> On-site car parking available for public use is clearly signed at the site frontage.	<b>Complies with AO7.5</b> Refer to the assessment against the Access, Parking and Servicing Code.
	<b>AO7.6</b> Boom gates, pay machines or other regulatory devices to control access to a publicly available car parking area are not constructed or installed.	<b>Complies with AO7.6</b> Refer to the assessment against the Access, Parking and Servicing Code.
<b>PO8</b> Precinct 1 – Port Douglas precinct is not characterised by a proliferation of advertising signs.	<b>AO8</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> No advertising signs are proposed.



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Performance outcomes	Acceptable outcomes	Compliance
<b>Additional requirements for Sub-precinct 1a – Town Centre sub-precinct</b>		
<b>PO9</b>  Building heights: (a) do not overwhelm or dominate the town centre; (b) respect the desired streetscape; (c) ensure a high quality appearance when viewed from both within the town centre sub-precinct and external to the town centre sub-precinct; (d) remain subservient to the natural environment and the backdrop of Flagstaff Hill. (e) do not exceed 3 storeys.	<b>AO9</b>  Buildings and structures are not more than 3 storeys and 13.5 metres in height, with a roof height of not less than 3 metres.  Note – Height is inclusive of the roof height.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building
<b>PO10</b>  Building design, the streetscape, pedestrian paths and street front spaces promote integration with	<b>AO10</b>  No acceptable outcomes are prescribed.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building



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Performance outcomes	Acceptable outcomes	Compliance
the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.		
<b>PO11</b> Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces; (c) do not focus principally on internal spaces or parking areas.	<b>AO11</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building
<b>PO12</b> Setbacks at ground level provide for: (a) connection between pedestrian paths and public places; (b) areas for convenient movement of pedestrians;	<b>AO12</b> Setbacks at ground level: (a) are clear of columns and other obstructions; (b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building





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Performance outcomes	Acceptable outcomes	Compliance
(c) changes in gradient of the street.	<p>areas on adjoining sites;</p> <p>(c) connect without any lip or step to adjoining footpaths.</p>	
<p><b>AO13</b></p> <p>Buildings do not result in a reduction of views and vistas from public places to:</p> <p>(a) Flagstaff Hill;</p> <p>(b) Dickson Inlet;</p> <p>(c) public open space;</p> <p>(d) places of significance.</p>	<p><b>AO13</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>
<p><b>PO14</b></p> <p>Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at street level including shade protection across the footpath for</p>	<p><b>AO14</b></p> <p>Development is built up to the street frontage/s at the street level and incorporates a light frame awning, a minimum of 3 metres in width for the</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>



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Performance outcomes	Acceptable outcomes	Compliance
the length of the building.	<p>length of the street frontage/s;</p> <p>or</p> <p>If a development includes an outdoor dining area at ground/footpath level, the dining area has a maximum setback of 3 metres and the required awning is still maintained along the length of the street frontage/s.</p> <p>Note – PO24 provides more detail on awning design.</p>	
<p><b>PO15</b></p> <p>Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.</p>	<p><b>AO15.1</b></p> <p>Centre activities establish: at street level on active street frontages; a maximum of one level above street level.</p>	<p><b>Complies with AO15.1</b></p> <p>The change of use from Self-contained Motel unit to Multiple Dwelling Unit relates to an existing unit that is not on the ground floor or at street level.</p>
	<p><b>AO15.2</b></p> <p>Any residential development activities or short term accommodation is located above street level of the active frontage, but not on or up to the street</p>	<p><b>Complies with AO15.2</b></p> <p>The change of use from Self-contained Multiple Dwelling (Tourist) unit to Multiple Dwelling Unit for permanent occupation relates to an existing unit</p>



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Performance outcomes	Acceptable outcomes	Compliance
	frontage in any development, including mixed use development.	that is not on the street frontage.
<b>PO16</b> Detailed building design: (a) enhances the visual amenity of the streetscape; (b) has a legible and attractive built form that is visually enhanced by architectural elements; (c) contributes to a distinctive tropical north Queensland, seaside tourist town character; (d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Town Centre sub-precinct is maintained.	<b>AO16</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building
<b>PO17</b>	<b>AO17</b>	<b>Not Applicable</b>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p> <ul style="list-style-type: none"> <li>(a) surface decoration;</li> <li>(b) wall recesses and projections;</li> <li>(c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</li> <li>(d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</li> </ul>	<p>No acceptable outcomes are prescribed.</p>	<p>The proposed development would be wholly contained within an existing building</p>
<p><b>PO18</b></p> <p>Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <ul style="list-style-type: none"> <li>(a) building caps and rooftops contribute to the architectural distinction of the building and</li> </ul>	<p><b>AO18</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>create a coherent roofscape for the Town Centre sub-precinct;</p> <p>(b) service structures, lift motor rooms and mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</p> <p>(c) rooftops are not used for advertising.</p>		
<p><b>P019</b></p> <p>Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <p>(a) shade windows;</p> <p>(b) reduce glare;</p> <p>(c) assist in maintaining comfortable indoor temperatures;</p> <p>(d) minimising heat loads;</p>	<p><b>AO19</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>(e) enrich the North Queensland tropical character of the Town Centre sub-precinct;</p> <p>(f) provide architectural interest to building façades.</p>		
<p><b>PO20</b></p> <p>Buildings are finished with high quality materials, selected for:</p> <p>(a) their ability to contribute the character of Town Centre sub-precinct;</p> <p>(b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.</p>	<p><b>AO20</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>
<p><b>PO21</b></p> <p>Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance,</p>	<p><b>AO21</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>



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Performance outcomes	Acceptable outcomes	Compliance
discomfort or a hazard.		
<b>PO22</b>  Façades and elevations do not include large blank walls. Openings and setbacks are used to articulate vertical building surfaces.	<b>AO22.1</b>  Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building
	<b>AO22.2</b>  Any break in the building façade varies the alignment by a 1 metre minimum deviation.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building
	<b>AO22.3</b>  A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development:	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing building



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Performance outcomes	Acceptable outcomes	Compliance
	<ul style="list-style-type: none"> <li>(a) a change in roof profile;</li> <li>(b) a change in parapet coping;</li> <li>(c) a change in awning design;</li> <li>(d) a horizontal or vertical change in the wall plane; or</li> <li>(e) a change in the exterior finishes and exterior colours of the development.</li> </ul>	
<p><b>PO23</b></p> <p>Building facades that face public spaces at ground level:</p> <ul style="list-style-type: none"> <li>(a) complement the appearance of the development and surrounding streetscape;</li> <li>(b) enhance the visual amenity of the public place;</li> <li>(c) include a variety of human scale architectural elements and details;</li> </ul>	<p><b>AO23</b></p> <p>Building facades at the ground floor of development that face public space are designed to ensure:</p> <ul style="list-style-type: none"> <li>(a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development;</li> <li>(b) a visually prominent main entrance that faces</li> </ul>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>





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Performance outcomes	Acceptable outcomes	Compliance
(d) provide an opportunity for the casual and convenient surveillance of public space from within the development.	the principal public place; (c) vertical architectural elements and features are incorporated at 3 metre or less intervals along the length of the façade.	
<b>PO24</b> Awnings for pedestrian shelter are consistent with the character setting of the Town Centre sub-precinct and: (a) extend and cover the footpath to provide protection from the sun and rain; (b) include lighting under the awning; (c) are continuous across the frontage of the site; (d) align to provide continuity with existing or future awnings on adjoining sites; (e) are a minimum of 3.0 metres in width and generally not more than 3.5 metres above	<b>AO24</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing building



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Performance outcomes	Acceptable outcomes	Compliance
<p>pavement height;</p> <p>(f) do not extend past a vertical plane, 1.2 metres inside the kerb-line to enable street trees to be planted and grow;</p> <p>(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.</p>		
<p><b>PO25</b></p> <p>Development integrates with the streetscape and landscaping improvements for Port Douglas.</p>	<p><b>AO25</b></p> <p>Development fronting Davidson Street, Macrossan Street, Wharf Street, Mowbray Street and Warner Street is designed to integrate with the on-street landscaping and design improvements as outlined within the Port Douglas landscape master plan contained within Planning scheme policy SC6.7 – Landscaping.</p> <p>Note - Planning scheme policy SC6.7 - Landscaping provides guidance on meeting the Performance</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing building</p>



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Performance outcomes	Acceptable outcomes	Compliance
	Outcome.	
<b>Additional requirements for Sub-precinct 1b – Waterfront North sub-precinct</b>		
<b>PO26</b> The establishment of uses is consistent with the outcomes sought for sub-precinct 1b – Waterfront North.	<b>AO26</b> Uses identified as inconsistent uses in Table 7.2.4.4.b – inconsistent uses in sub-precinct 1b – Waterfront North sub-precinct are not established in sub-precinct 1b - Waterfront North.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO27</b> The bulk and scale of buildings is consistent with surrounding development and steps down to complement the open space areas in the adjoining limited development sub-precinct.	<b>AO27</b> Buildings and structures are not more than: (a) 3 storeys and 13.5 metres in height , with a roof height of not less than 3 metres, in those parts of the precinct south of Inlet Street; (b) 2 storeys and 8.5 metres in height, with a roof height of not less than 3 metres, in those parts	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>of the precinct north of Inlet Street.</p> <p>Note – Height is inclusive of roof height.</p>	
<p><b>PO28</b></p> <p>Building design, streetscape, pedestrian paths and street front spaces promote integration with the surrounding area and the rest of Precinct 1 – Port Douglas Precinct.</p>	<p><b>AO28</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO29</b></p> <p>Public pedestrian access along the water's edge is maximised.</p>	<p><b>AO29.1</b></p> <p>Public pedestrian access is provided along the frontage of the water's edge consisting of a boardwalk of a minimum width of 4 metres that is available of 24-hour use.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
	<p><b>AO29.2</b></p> <p>A public plaza is incorporated into the design generally reflecting the requirements of the Port</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	Douglas Waterfront Master Plan, focussing in the vicinity of the 'Duck Pond'.	
	<b>AO29.3</b> Built envelopes are setback a minimum of 3.0 metres from the board walk, with a shelter/shade zone between the building envelopes and the boardwalk consisting of shade structure, canopies, verandahs and the like.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO30</b> Buildings: (a) address street frontages; (b) ensure main entrances front the street or public spaces.	<b>AO30</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO31</b>	<b>AO31</b>	<b>Not Applicable</b>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Setbacks at ground level provide for:</p> <ul style="list-style-type: none"> <li>(a) connection between pedestrian paths and public places;</li> <li>(b) areas for convenient movement of pedestrians;</li> <li>(c) changes in gradient.</li> </ul>	<p>Setbacks at ground level:</p> <ul style="list-style-type: none"> <li>(a) are clear of columns and other obstructions;</li> <li>(b) have pavement matching the gradient of adjoining footpaths and connecting pedestrian areas on adjoining sites;</li> <li>(c) connect without any lip or step to adjoining footpaths.</li> </ul>	<p>The application site is within Sub-precinct 1a.</p>
<p><b>PO32</b></p> <p>Buildings do not result in a reduction of views and vistas from public places to:</p> <ul style="list-style-type: none"> <li>(a) Dickson Inlet;</li> <li>(b) public open space;</li> <li>(c) places of significance.</li> </ul>	<p><b>AO32</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO33</b></p>	<p><b>AO33</b></p>	<p><b>Not Applicable</b></p>



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Performance outcomes	Acceptable outcomes	Compliance
Development enhances the distinctive tropical resort town and identity of Port Douglas and encourages pedestrian activity at ground level including shade protection across the footpath and open space areas.	No acceptable outcomes are prescribed.	The application site is within Sub-precinct 1a.
<b>PO34</b>  Development is predominantly commercial in nature with any tourist accommodation having a secondary focus and not located on the street-level frontage where active frontages are encouraged as identified the Port Douglas local plan maps contained in Schedule 2.	<b>AO34.1</b>  Centre activities establish:  (a) at street level on active street frontages;  (b) a maximum of one level above street level.	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.
	<b>AO34.2</b>  Residential development activities or short term accommodation is located above street /ground floor level of the active frontage, but not on or up to the street / public frontage in any development, including mixed use development.	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO35</b></p> <p>Detailed building design:</p> <ul style="list-style-type: none"> <li>(a) enhances the visual amenity of the streetscape;</li> <li>(b) has a legible and attractive built form that is visually enhanced by architectural elements;</li> <li>(c) contributes to a distinctive tropical north Queensland, seaside tourist town character;</li> <li>(d) integrates major landscaping elements to maximise their aesthetic value to ensure that the lush, vegetated character of the Waterfront North sub-precinct is maintained.</li> </ul>	<p><b>AO35</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO36</b></p> <p>Buildings exhibit variations to their external appearance and the shape of the built form to provide visual interest through:</p>	<p><b>AO36</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>





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Performance outcomes	Acceptable outcomes	Compliance
<p>(a) surface decoration;</p> <p>(b) wall recesses and projections;</p> <p>(c) a variation in wall finishes; windows, balconies, awnings and other visible structural elements.</p> <p>(d) differentiating between the lower, middle and upper parts of the building by varying the façade and/or the shape of the built form, where comprised of more than two storeys.</p>		
<p><b>PO37</b></p> <p>Roofs are not characterised by a cluttered display of plant and equipment, in particular:</p> <p>(a) building caps and rooftops contribute to the architectural distinction of the building and create a coherent roofscape for the Waterfront North sub-precinct;</p> <p>(b) service structures, lift motor rooms and</p>	<p><b>AO37</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>mechanical plant and equipment are designed as an architectural feature of the building or are screened from public view;</p> <p>(c) rooftops are not used for advertising.</p>		
<p><b>PO38</b></p> <p>Windows and sun/rain control devices are used in the building form, in particular, sun shading devices are provided to:</p> <p>(a) shade windows;</p> <p>(b) reduce glare;</p> <p>(c) assist in maintaining comfortable indoor temperatures;</p> <p>(d) minimising heat loads;</p> <p>(e) enriching the North Queensland tropical character of the Waterfront North sub-precinct;</p>	<p><b>AO38</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
(f) architectural interest to building façades.		
<b>PO39</b> Buildings are finished with high quality materials, selected for: (a) their ability to contribute the character of Waterfront North sub-precinct; (b) easy maintenance, durability and an ability not to readily stain, discolour or deteriorate.	<b>AO39</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO40</b> Buildings do not incorporate any type of glass or other materials that are likely to reflect the sun's rays in a manner that may create a nuisance, discomfort or a hazard.	<b>AO40</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO41</b>	<b>AO41.1</b>	<b>Not Applicable</b>



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Performance outcomes	Acceptable outcomes	Compliance
Façades and elevations do not include large blank walls and openings and setbacks are used to articulate vertical building surfaces.	Development has a maximum length of unbroken building facade of 20 metres and a maximum extent of overall development in the same style/design along the street frontage/s of 40 metres.	The application site is within Sub-precinct 1a.
	<b>AO41.2</b> Any break in the building façade varies the alignment by a 1 metre minimum deviation.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
	<b>AO41.3</b> A minimum of three of the following building design features and architectural elements detailed below are incorporated to break the extended facade of a development: (a) a change in roof profile; (b) a change in parapet coping;	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
	<ul style="list-style-type: none"> <li>(c) a change in awning design;</li> <li>(d) a horizontal or vertical change in the wall plane; or</li> <li>(e) a change in the exterior finishes and exterior colours of the development.</li> </ul>	
<p><b>PO42</b></p> <p>Building facades that face public spaces at ground level:</p> <ul style="list-style-type: none"> <li>(a) complement the appearance of the development and surrounding streetscape;</li> <li>(b) enhance the visual amenity of the public place;</li> <li>(c) include a variety of human scale architectural elements and details;</li> <li>(d) provide an opportunity for the casual and convenient surveillance of public space from within the development.</li> </ul>	<p><b>AO42</b></p> <p>Building facades at the ground floor of development that face public space are designed to ensure:</p> <ul style="list-style-type: none"> <li>(a) a minimum of 70% of the façade area is comprised of windows, wall openings or shop fronts that permit the casual surveillance of the public space from the development;</li> <li>(b) a visually prominent main entrance that faces the principal public place;</li> <li>(c) vertical architectural elements and features are</li> </ul>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	incorporated at 3 metre or less intervals along the length of the façade.	
<b>PO43</b>  Awnings for pedestrian shelter are consistent with the character setting of the Waterfront North sub-precinct and:  (a) extend and cover the footpath to provide protection from the sun and rain;  (b) include lighting under the awning;  (c) are continuous across pedestrian circulation areas;  (d) align to provide continuity with existing or future awnings on adjoining sites;  (e) are a minimum of 3 metres in width and generally not more than 3.5 metres above pavement height;	<b>AO43</b>  No acceptable outcomes are prescribed.	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
<p>(f) do not extend past a vertical plane, 1.2 metres inside the street kerb-line to enable street trees to be planted and grow;</p> <p>(g) are cantilevered from the main building with any posts within the footpath being non load-bearing.</p>		
<p><b>PO44</b></p> <p>The Balley Hooley rail line and turn-table is retained and incorporated into development and maintains its functionality.</p>	<p><b>AO44.1</b></p> <p>Bally Hooley rail line and turn-table is retained and incorporated into development to maintain its functionality.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
	<p><b>AO44.2</b></p> <p>Where development provides floor area for the Bally Hooley rail station, the gross floor area of the rail line and station does not generate a requirement for additional vehicle parking.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO45</b></p> <p>Development recognises the importance of and relationship between the marina, commercial and residential development in the Waterfront North sub-precinct, and includes measures to mitigate the impact of:</p> <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) odour;</li> <li>(c) hazardous materials;</li> <li>(d) waste and recyclable material storage.</li> </ul>	<p><b>AO45</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO46</b></p> <p>Formalised public spaces and pedestrian paths/areas on freehold land are made accessible to the public.</p>	<p><b>AO46</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>





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Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO47</b></p> <p>Buildings, civic spaces, roads and pedestrian links are enhanced by:</p> <ul style="list-style-type: none"> <li>(a) appropriate landscape design and planting;</li> <li>(b) themed planting that defines entry points, and creates strong 'entry corridors' into the waterfront;</li> <li>(c) lighting and well-considered discrete signage that complements building and landscape design;</li> <li>(d) public artwork and other similar features that reflect the heritage and character of the Port Douglas Waterfront.</li> </ul>	<p><b>AO47</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO48</b></p> <p>Buildings are designed and sited to provide vistas along shared pedestrian/open space and</p>	<p><b>AO48</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
movement areas in suitable locations.		
<b>PO49</b> Development does not diminish the viability of marine-based industrial uses that directly serve the Port Douglas tourist and fishing operators and private boat owners, particularly with respect to the slipway operation.	<b>AO49</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO50</b> Marine infrastructure to service the tourism, fishing and private boating community is provided.	<b>AO50</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO51</b> Changes to the Port Douglas Waterfront quay-line do not cause adverse impacts to the environmentally sensitive Dickson Inlet.	<b>AO51</b> Development that results in changes to the Port Douglas Waterfront quay-line is only established where an Ecological assessment report provides support to the changes.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
	Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an ecological assessment report.	
<b>Additional requirements for Sub-precinct 1c – Waterfront South sub-precinct</b>		
<b>PO52</b>  The establishment of uses is consistent with the outcomes sought for Precinct 1c – Waterfront South.	<b>AO52</b>  Uses identified as inconsistent uses Table 7.2.4.4.c – are not established in Precinct 1c – Waterfront South.	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.
<b>PO53</b>  Development does not adversely impact on the natural environment, natural vegetation or watercourses.	<b>AO53.1</b>  An Ecological assessment report is prepared identifying the environmental qualities of the surrounding natural and built features which are to be managed.  Note - Planning scheme policy SC6.8 – Natural environment provides guidance on preparing an	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
	ecological assessment report.	
	<p><b>AO53.2</b></p> <p>An Environmental Management Plan is prepared to manage potential impacts of the operation of the development on surrounding natural areas.</p> <p>Note - Planning scheme policy SC6.4 – Environmental management plans contains information to demonstrate compliance and guidance on preparing an Environmental Management Plan.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO54</b></p> <p>Development of land at the end of Port Street adjacent to Dickson Inlet incorporates a slipway, or an alternative functioning facility, with capacity to service the Port Douglas marine and tourism industry.</p>	<p><b>AO54</b></p> <p>A master plan for the development is provided and implemented to demonstrate the integration of the slipway, or an alternative functioning facility, with other supporting service industry activities that service the marine and tourism industry of Port Douglas.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<b>PO55</b> Buildings and structures are of a height and are set back from side boundaries and other sensitive areas to ensure the scenic amenity and environmental qualities of the adjacent area are not adversely affected.	<b>AO55.1</b> Development has a height of not more than 10 metres.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
	<b>AO55.2</b> Development is setback from all property boundaries not less than 3 metres.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO56</b> The site coverage of all buildings and structures ensures development: (a) is sited in an existing cleared area or in an area approved for clearing; (b) has sufficient area for the provision of services; (c) development does not have an adverse effect on the environmental, habitat, conservation or landscape values of the on-site and	<b>AO56</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
surrounding sensitive areas.		
<b>PO57</b> Premises include adequate provision for service vehicles, to cater for generated demand. Loading areas for service vehicles are designed to: <ul style="list-style-type: none"> <li>(a) be accommodated on-site;</li> <li>(b) maximise safety and efficiency of loading;</li> <li>(c) protect the visual and acoustic amenity of sensitive land use activities;</li> <li>(d) minimise adverse impacts on natural characteristics of adjacent areas.</li> </ul>	<b>AO57.1</b> Sufficient manoeuvring area is provided on-site to allow a Medium Rigid Vehicle to enter and leave the site in a forward gear.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
	<b>AO57.2</b> Development is designed to ensure all service vehicles are contained within the site when being loaded/unloaded.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
	<b>AO57.3</b> Driveways, parking and manoeuvring areas are constructed and maintained to: <ul style="list-style-type: none"> <li>(a) minimise erosion from storm water runoff;</li> <li>(b) retain all existing vegetation.</li> </ul>	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
<b>PO58</b> Development ensures adverse impacts from service vehicles on the road network, external to the site, are minimised.	<b>AO58</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO59</b> Entry to the site is landscaped to enhance the amenity of the area and provide a pleasant working environment.	<b>AO59</b> Areas used for loading and unloading, storage, utilities and car parking are screened from public view: (a) by a combination of landscaping and screen fencing; (b) dense planting along any road frontage is a minimum width of 3 metres.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO60</b> Landscaping is informal in character and complementary to the existing natural	<b>AO60</b> For any development landscaping is in accordance with the Plant species schedule in Planning	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
environment, provides screening and enhances the visual appearance of the development.	scheme policy SC6.7– Landscaping.	
<b>Additional requirements for Sub-precinct 1d – Limited Development sub-precinct</b>		
<b>PO61</b> The height of buildings and structures contributes to the desired form and outcomes for the sub-precinct and are limited to a single storey.	<b>AO61</b> Buildings and structures are not more than one storey and 4 metres in height. Note - Height is inclusive of the roof height.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>Additional requirements for Sub-precinct 1e – Community and recreation sub-precinct</b>		
<b>PO62</b> The precinct is developed for organised sporting activities and other community uses.	<b>AO62</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>Additional requirements for Sub-precinct 1f – Flagstaff Hill sub-precinct</b>		





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Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO63</b></p> <p>Flagstaff Hill is protected from inappropriate development to protect the hill as an important natural landmark feature of Port Douglas and as a vegetated backdrop to the Town centre.</p>	<p><b>AO63</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>
<p><b>PO64</b></p> <p>All development on Flagstaff Hill is designed to minimise the visibility of the development and to ensure development is subservient to the natural landscape and topography of the site, including through:</p> <p>(a) building design which minimises excavation and filling;</p> <p>(b) buildings being designed to step down the site and incorporate foundations and footings on piers or poles;</p>	<p><b>AO64</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>(c) buildings being visually unobtrusive and incorporating exterior finishes and muted colours which are non-reflective and complement the colours of the surrounding vegetation and view-shed;</p> <p>(d) protection of the views from public viewing points in the Port Douglas precinct.</p>		
<b>Additional requirements for Precinct 3 – Craiglie Commercial and Light Industry precinct</b>		
<p><b>PO65</b></p> <p>Development supports the tourism and marine industries in Port Douglas, along with the small-scale commercial and light industry land uses that support the local economy that would otherwise be better suited to a location outside the Port Douglas Town Centre Precinct.</p>	<p><b>AO65</b></p> <p>Development consists of service and light industries and associated small scale commercial activities.</p>	<p><b>Not Applicable</b></p> <p>The application site is within Sub-precinct 1a.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<b>PO66</b>  Development on lots adjacent to the Captain Cook Highway is sited, designed and landscaped to provide an attractive visual approach to Port Douglas with all buildings, structures and car parking areas setback a sufficient distance from the frontage to enable landscaping to soften or screen the appearance of the development.	<b>AO66.1</b>  Buildings and structures are setback 8 metres from the Captain Cook Highway frontage, or no closer to the Captain Cook Highway frontage than buildings and structures on adjoining sites (averaged), whichever is the greater.	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.
	<b>AO66.2</b>  The setback area to the Captain Cook Highway frontage is landscaped with advanced dense planting including tree species (100 litre bag stock), which will, at maturity, exceed the height of the building(s) on the site.	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.
	<b>AO66.3</b>  Advertising signs are discreet in appearance with no large advertising signs, including tenancy signs, located on or near the Captain Cook Highway	<b>Not Applicable</b>  The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
	frontage, or within any landscaped setback area	
	<b>AO66.4</b> Car parking areas, loading and other service areas are designed to be screened from the Captain Cook Highway and are located so as to not be visually prominent from the Captain Cook Highway.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>Additional requirements for Precinct 6 – Very Low Residential Density / Low Scale Recreation / Low Scale Educational / Low Scale Entertainment Uses precinct</b>		
<b>PO67</b> No additional lots are created within the precinct.	<b>AO67</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.
<b>PO68</b> Reconfigured lots have a minimum lot size of 2 hectares, unless the lot reconfiguration transfers	<b>AO68</b> No acceptable outcomes are prescribed.	<b>Not Applicable</b> The application site is within Sub-precinct 1a.



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Performance outcomes	Acceptable outcomes	Compliance
lots to the higher parts of the land, to avoid the need to fill existing lots to accommodate dwelling houses.		



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### **9.3.13 Multiple Dwelling, short term accommodation and retirement facility code**

#### **9.3.13.1 Application**

- (1) This code applies to assessing development for a Multiple dwelling, short term accommodation, residential care facility or retirement facility if:
  - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment for a material change of use; or
  - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

#### **9.3.13.2 Purpose**

- (1) The purpose of the Multiple dwelling, short term accommodation and retirement facility code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns;
  - (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood;
  - (c) development does not adversely impact on the natural features on the site;
  - (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region;
  - (e) the impacts of development on adjoining premises are managed.



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### 9.3.13.3 Criteria for assessment

**Table 9.3.13.3.a – Multiple Dwelling, short term accommodation and retirement facility code – assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For assessable development</b>		
<b>Design</b>		
<b>PO1</b> The site has sufficient area and frontage to: <ul style="list-style-type: none"> <li>(a) accommodate the scale and form of buildings considering site features;</li> <li>(b) achieve communal open space areas and private outdoor spaces;</li> <li>(c) deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting;</li> <li>(d) achieve safe and convenient vehicle and pedestrian access;</li> <li>(e) accommodate on-site car parking and manoeuvring for residents, visitors and</li> </ul>	<b>AO1.1</b> The site has a minimum area of 1000m <sup>2</sup>	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building.
	<b>AO1.2</b> The site has a minimum frontage of 25 metres	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building.



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Performance outcomes	Acceptable outcomes	Compliance
service providers		
<p><b>PO2</b></p> <p>Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:</p> <ul style="list-style-type: none"> <li>(a) the establishment and extension of public streets and pathways;</li> <li>(b) the provision of parks and other public spaces as appropriate to the scale of the development;</li> <li>(c) inclusion of a mix of dwelling types and tenures and forms;</li> <li>(d) buildings that address the street;</li> <li>(e) building height and setback transitions to adjoining development of a lower density or scale</li> </ul>	<p><b>AO2</b></p> <p>Development on a site 5,000m<sup>2</sup> or greater is in accordance with a structure plan.</p> <p>Note – Guidance on preparing a structure plan is provided within Planning scheme policy SC6.14 – Structure planning.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>
<b>PO3</b>	<b>AO3.1</b>	<b>Not Applicable</b>





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Performance outcomes	Acceptable outcomes	Compliance									
Development ensures that the proportion of buildings to open space is:  (a) in keeping with the intended form and character of the local area and immediate streetscape; (b) contributes to the modulation of built form; (c) supports residential amenity including access to breezes, natural light and sunlight; (d) supports outdoor tropical living; (e) provides areas for deep tropical planting and / or for the retention of mature vegetation.	The site cover is not more than 40%	The proposed development would be wholly contained within an existing lawfully established building.									
	<b>AO3.2</b> The development has a gross floor area of not more than: <table><tr><th>Zone</th><th>Maximum GFA</th></tr><tr><td>Low-medium density residential</td><td>0.8 x site area</td></tr><tr><td>Medium density residential</td><td>1.2 x site area</td></tr><tr><td>Tourist accommodation</td><td>1.2 x site area</td></tr><tr><td>All other zones</td><td>No acceptable outcome specified.</td></tr></table>	Zone	Maximum GFA	Low-medium density residential	0.8 x site area	Medium density residential	1.2 x site area	Tourist accommodation	1.2 x site area	All other zones	No acceptable outcome specified.
Zone	Maximum GFA										
Low-medium density residential	0.8 x site area										
Medium density residential	1.2 x site area										
Tourist accommodation	1.2 x site area										
All other zones	No acceptable outcome specified.										
<b>PO4</b> Development is sited so that the setback from	<b>AO4.1</b> Buildings and structures are set back not less than	<b>Not Applicable</b> The proposed development would be wholly									



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Performance outcomes	Acceptable outcomes	Compliance
boundaries: (a) provides for natural light, sunlight and breezes; (b) minimises the impact of the development on the amenity and privacy of neighbouring residents; (c) provides for adequate landscaping.	6 metres from a road frontage.	contained within an existing lawfully established building.
	<b>AO4.2</b> Buildings and structures are setback not less than 4 metres to the rear boundary	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building.
	<b>AO4.3</b> The side boundary setback for buildings and structures is: (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building; (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building.
<b>PO5</b> Building depth and form must be articulated to (a) ensure that the bulk of the development is in keeping with the form and character intent of the area;	<b>AO5.1</b> (a) The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres. (b) The minimum distance between buildings	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building.



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Performance outcomes	Acceptable outcomes	Compliance
<p>(b) provide adequate amenity for residents in terms of natural light and ventilation.</p> <p>Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.</p>	<p>on a site is not less than 6 metres;</p> <p><b>AO5.2</b></p> <p>The length of any continuous eave line does not exceed 18 metres.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>
<p><b>PO6</b></p> <p>Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.</p>	<p><b>AO6.1</b></p> <p>Development incorporates a number of the following design elements:</p> <ul style="list-style-type: none"> <li>(a) balconies;</li> <li>(b) verandahs;</li> <li>(c) terraces;</li> <li>(d) recesses</li> </ul>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.</p>
	<p><b>AO6.2</b></p> <p>Development reduces building bulk by:</p> <ul style="list-style-type: none"> <li>(a) variation in building colours, materials and textures;</li> <li>(b) the use of curves, recesses, projections or</li> </ul>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>variations in plan and elevation;</p> <p>(c) recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch;</p> <p>(d) use of sun-shading devices and other façade features;</p> <p>(e) use of elements at a finer scale than the main structural framing of the building.</p>	
<p><b>P07</b></p> <p>Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through:</p> <p>(a) orientation to the street;</p> <p>(b) front boundary setback;</p> <p>(c) balconies and windows to provide overlooking and casual surveillance;</p> <p>(d) building entrances.</p>	<p><b>A07.1</b></p> <p>Development provides a building that is not set back further than 2m beyond the minimum required street front setback.</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>
	<p><b>A07.2</b></p> <p>Development provides balconies and windows from the primary living area that face and overlook the street or public space.</p>	<p><b>Complies with A07.2</b></p> <p>The proposed Multiple Dwelling unit would have access to existing balconies that overlook public space.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<b>PO8</b> Buildings exhibit tropical design elements to support Douglas Shire’s tropical climate, character and lifestyle.	<b>AO8.1</b>  Development has floor to ceiling heights of 2.7 metres;	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing lawfully established building.
	<b>AO8.2</b>  Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing lawfully established building.
	<b>AO8.3</b>  Development incorporates deep recesses, eaves and sun-shading devices.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing lawfully established building.
	<b>AO8.4</b>  Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting.	<b>Not Applicable</b>  The proposed development would be wholly contained within an existing lawfully established building.



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Performance outcomes	Acceptable outcomes	Compliance
	<p><b>AO8.5</b></p> <p>Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>
<p><b>PO9</b></p> <p>Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices.</p> <p>Note—Siting and building separation is used to minimise privacy screening requirements.</p>	<p><b>AO9.1</b></p> <p>Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have:</p> <ul style="list-style-type: none"> <li>(a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or</li> <li>(b) sill heights a minimum of 1.5m above floor level; or</li> <li>(c) fixed obscure glazing in any part of the window below 1.5m above floor level; or</li> </ul>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	(d) fixed external screens; or (e) in the case of screening for a ground floor level unit, fencing to a minimum 1.8m above the ground storey floor level.	
	<b>AO9.2</b> Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level.	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building.
	<b>AO9.3</b> Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable. Note—The screening device is offset a minimum of 0.3m from the wall	<b>Not Applicable</b> The proposed development would be wholly contained within an existing lawfully established building used for residential purposes.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>around any window.</p> <p>Note—Screening devices are hinged or otherwise attached to facilitate emergency egress</p>	
<p><b>PO10</b></p> <p>Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests</p>	<p><b>AO10</b></p> <p>A minimum of 35% of the site is allocated as landscaping and recreation area</p>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>
<p><b>PO11</b></p> <p>Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.</p>	<p><b>AO11</b></p> <p>Development provides landscaping as follows:</p> <ul style="list-style-type: none"> <li>(a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages;</li> <li>(b) A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries</li> </ul>	<p><b>Not Applicable</b></p> <p>The proposed development would be wholly contained within an existing lawfully established building.</p>
<b>PO12</b>	<b>AO12.1</b>	<b>Complies with AO12.1</b>





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Performance outcomes	Acceptable outcomes	Compliance
The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site	Communal open space is provided at: (a) a minimum of 5% of site area or 50m <sup>2</sup> whichever is the greater; and (b) a minimum dimension of 5 metres.	The overall existing development provides significant communal open space containing a swimming pool, which exceeds 50m <sup>2</sup> .
	<b>AO12.2</b> Development provides communal open space that: (a) is consolidated into one useable space; (b) where communal open space exceeds 100m <sup>2</sup> , the communal open space may be split into two, and so forth incrementally.	<b>Complies with AO12.2</b> The overall existing development provides significant communal open space containing a swimming pool.
	<b>AO12.3</b> Communal open space: (a) is a minimum of 50% open to the sky; (b) achieves 25% shading by trees in 5 years; (c) does not include vehicle driveways and manoeuvring; (d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers	<b>Complies with AO12.3</b> The existing development provides communal open space that has previously been accepted by Council.



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Performance outcomes	Acceptable outcomes	Compliance
	or water boosters.	
	<b>AO12.4</b> Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements: <ul style="list-style-type: none"> <li>(a) seating;</li> <li>(b) barbecue;</li> <li>(c) play equipment;</li> <li>(d) swimming pool;</li> <li>(e) communal clothes drying;</li> <li>(f) vegetable garden.</li> </ul>	<b>Complies with AO12.4</b> The overall existing development provides landscaping and communal open space which contains seating, barbecue facilities and swimming pool.
	<b>12.5</b> Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground storey dwelling instead of providing communal open space.	<b>Not Applicable</b> The proposed development is a single unit in an established mixed use development where communal open space is already provided.
<b>PO13</b>	<b>AO13.1</b>	<b>Complies with AO13.1(b)</b>



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Performance outcomes	Acceptable outcomes	Compliance
Development must provide attractive and functional private open space for residents and guests.	Development provides private open space which: <ul style="list-style-type: none"> <li>(a) for ground storey dwellings, comprises of a minimum area of 35m<sup>2</sup> with a minimum dimension of 3 metres;</li> <li>(b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m<sup>2</sup> and a minimum dimension of 3 metres</li> </ul>	The proposed Multiple Dwelling Unit would have access to a private balcony with a floor area that exceeds 12m <sup>2</sup> .
	<b>AO13.2</b> Development provides private open space areas that are: <ul style="list-style-type: none"> <li>(a) directly accessible from internal primary living area of the dwelling (not bedrooms);</li> <li>(b) provided with a screened area of 2m<sup>2</sup> minimum dimension capable of screening air conditioning plant, private clothes drying etc...</li> <li>(c) provided with adjustable, moveable or operable privacy screening where</li> </ul>	<b>Complies with AO13.2</b> The proposed Dwelling Unit/Multiple Dwelling Unit would have access to a private balcony that is directly from the living room.



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Performance outcomes	Acceptable outcomes	Compliance
	appropriate	
	<b>AO13.3</b> Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy.	<b>Complies with AO13.3</b> The proposed Multiple Dwelling Unit would have access to an existing private balcony that does not overlook any adjoining premises.
	<b>AO13.4</b> Where secondary balconies are provided to a side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements.	<b>Not Applicable</b> A secondary balcony is not provided.
	<b>AO13.5</b> Private open space: (a) does not include vehicle driveways and manoeuvring; (b) does not contain surface structures such as	<b>Complies with AO13.5</b> The private balconies do not include driveways or surface structures.



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Performance outcomes	Acceptable outcomes	Compliance
	rainwater tanks, fire hydrants, transformers or water boosters	
<b>PO14</b> Development provides front fencing and retaining walls that must: <ul style="list-style-type: none"> <li>(a) facilitate casual surveillance of the street and public space;</li> <li>(b) enable use of private open space;</li> <li>(c) assist in highlighting entrances to the property;</li> <li>(d) provide a positive interface to the streetscape.</li> </ul>	<b>AO14.1</b> Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of: <ul style="list-style-type: none"> <li>(a) 1.2m, where fence construction is solid or less than 50% transparent;</li> <li>(b) 1.5m, where fence construction is at least 50% transparent;</li> <li>(c) 1.8m and solid only where the site is on an arterial road or higher order road.</li> </ul>	<b>Not Applicable</b> The proposal relates to an existing self-contained Multiple Dwelling (Tourist) only.
	<b>AO14.2</b> Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material variation or landscaping is provided to add visual	<b>Not Applicable</b> The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only.



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Performance outcomes	Acceptable outcomes	Compliance
	interest and soften the visual impact.	
	<b>AO14.3</b> Development for a retaining wall is: <ul style="list-style-type: none"> <li>(a) stepped to minimise impact on the streetscape and pedestrian environment;</li> <li>(b) a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge</li> </ul>	<b>Not Applicable</b> The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only.
<b>PO15</b> Development minimises light nuisances.	<b>AO15</b> Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	<b>Not Applicable</b> The proposal relates to an existing self-contained Multiple Dwelling (Tourist) unit only
<b>PO16</b> Waste and recyclable material storage areas are: <ul style="list-style-type: none"> <li>(a) convenient and accessible to residents and waste and recyclable material collection services;</li> <li>(b) located and designed to mitigate adverse</li> </ul>	<b>AO16</b> Waste and recyclable material storage areas: <ul style="list-style-type: none"> <li>(a) are located on site;</li> <li>(b) are sited and designed to be unobtrusive and screened from view from the street</li> </ul>	<b>Complies with AO16</b> The proposed Multiple Dwelling Unit would have access to the existing waste and recyclable storage areas.



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Performance outcomes	Acceptable outcomes	Compliance
<p>impacts:</p> <ul style="list-style-type: none"> <li>(i) within the site;</li> <li>(ii) on adjoining properties;</li> <li><b>(iii)</b> to the street.</li> </ul>	<p>frontage:</p> <ul style="list-style-type: none"> <li>(c) are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network;</li> <li>(d) are of a sufficient size to accommodate bulk (skip) bins;</li> <li>(e) have appropriate access and sufficient on site manoeuvrability area for waste and recyclable material collection services</li> </ul> <p>Note - The Environmental performance code contains requirements for waste and recyclable material storage</p>	
<p><b>PO17</b></p> <p>Development provides a secure storage area for each dwelling.</p>	<p><b>AO17</b></p> <p>A secure storage area for each dwelling:</p> <ul style="list-style-type: none"> <li>(a) is located to enable access by a motor vehicle or be near to vehicle parking;</li> <li>(b) has a minimum space of 3.5m<sup>2</sup> per dwelling;</li> <li>(c) has a minimum height of 2 metres;</li> <li>(d) is weather proof;</li> </ul>	<p><b>Complies with PO17</b></p> <p>The proposal is for the material change of use of an existing self-contained Multiple Dwelling (tourist) unit to a Multiple Dwelling Unit to provide for permanent occupation. The Dwelling Unit would have access to the storage facilities provided as part of this original development and would not require additional storage.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	(e) is lockable; (f) has immunity to the 1% AEP inundation event. Note – A cupboard within a unit will not satisfy this requirement	
<b>Additional requirements for a Retirement facility</b>		
<b>PO18</b> Retirement facilities are located in areas which offer convenience to residents, and are designed to be compatible with the locality and surrounding area in which they are located.	<b>AO18</b> Retirement facilities are conveniently located in established areas close to public transport, shopping facilities and health care services.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
<b>PO19</b> Retirement facilities are designed to provide for the amenity and security of residents.	<b>AO19.1</b> The Retirement facility incorporates covered walkways wide enough to accommodate wheel chairs and ramps, and where necessary, provide on-site weather protection between all parts of the complex.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
	<b>AO19.2</b>	<b>Not Applicable</b>





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Performance outcomes	Acceptable outcomes	Compliance
	Internal pathways have firm, well drained and non-slip surfaces.	The proposal relates to a Multiple Dwelling Unit.
	<b>AO19.2</b> Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
	<b>AO19.3</b> An illuminated sign and site map of the layout of the development is located near the main entrance to the facility.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
<b>PO20</b> The internal layout of a Retirement facility and the location of the retirement facility allows for safe evacuation of residents in an emergency and provides emergency services to efficiently access the site.	<b>AO20.1</b> The design of the Retirement facility ensures that external circulation and access and egress points on the site facilitate the evacuation of the site in an efficient manner.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
	<b>AO20.2</b> The site of a Retirement facility is not prone to	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.



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Performance outcomes	Acceptable outcomes	Compliance
	inundation.	
	<b>AO20.3</b> The location of the Retirement facility is readily accessible to emergency vehicles.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
<b>PO21</b> The development is designed for the needs of the age group, and to allow ‘aging in place’ to occur.	<b>AO21.1</b> Development applies adaptable housing principles.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.
	<b>AO21.2</b> A range of housing designs and sizes are provided in the development to cater for different individual and household needs.	<b>Not Applicable</b> The proposal relates to a Multiple Dwelling Unit.



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#### **9.4.1 Access, parking and servicing code**

##### **9.4.1.1 Application**

- (1) This code applies to assessing:
  - (a) operational work which requires a compliance assessment as a condition of a development permit; or
  - (b) a material change of use or reconfiguring a lot if:
    - (i) self-assessable or assessable development where this code is identified in the assessment criteria column of the table of assessment;
    - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

##### **9.4.1.2 Purpose**

- (1) The purpose of the Access, parking and servicing code is to assess the suitability of access, parking and associated servicing aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) sufficient vehicle parking is provided on-site to cater for all types of vehicular traffic accessing and parking on-site, including staff, guests, patrons, residents and short term delivery vehicles;
  - (b) sufficient bicycle parking and end of trip facilities are provided on-site to cater for customer and service staff;
  - (c) on-site parking is provided so as to be accessible and convenient, particularly for any short term uses;
  - (d) development provides walking and cycle routes through the site which link the development to the external walking and cycling network;
  - (e) the provision of on-site parking, loading / unloading facilities and the provision of access to the site do not impact on the efficient function of street network or on the area in which the development is located;
  - (f) new vehicular access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do



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not unduly disrupt any current or future on-street parking arrangements.

#### 9.4.1.3 Criteria for assessment

**Table 9.4.1.3.a – Access, parking and servicing code –assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site;	<b>AO1.1</b> The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.	<b>Complies with AO1.1</b> A Multiple Dwelling Unit it is required to provide 1 car parking space. The subject site has an allocated single vehicle car parking space in the basement.
	<b>AO1.2</b> Car parking spaces are freely available for the parking of vehicles at all times and are not used	<b>Complies with AO1.2</b> The existing car parking space is maintained as freely available for vehicle parking.



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Performance outcomes	Acceptable outcomes	Compliance
(d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation.	for external storage purposes, the display of products or rented/sub-leased.	
	<b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	<b>Not Applicable</b> No motorcycle parking is proposed.
	<b>AO1.4</b> For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.	<b>Not Applicable</b> The proposal relates to a single car parking space only.
<b>PO2</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.	<b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard:	<b>Complies with AO2</b> The parking space is an existing lawfully approved car parking space.



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Performance outcomes	Acceptable outcomes	Compliance
	(a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	
<b>PO3</b> Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area;	<b>AO3.1</b> Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.	<b>Not Applicable</b> Access would be provided by the existing lawfully approved access crossover.
	<b>AO3.2</b> Access, including driveways or access crossovers: (a) are not placed over an existing:	<b>Not Applicable</b> Access would be provided by the existing lawfully approved access crossover.



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Performance outcomes	Acceptable outcomes	Compliance
<p>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</p> <p>(f) so that they do not adversely impact current and future on-street parking arrangements;</p> <p>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</p> <p>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</p>	<p>(i) telecommunications pit;</p> <p>(ii) stormwater kerb inlet;</p> <p>(iii) sewer utility hole;</p> <p>(iv) water valve or hydrant.</p> <p>(b) are designed to accommodate any adjacent footpath;</p> <p>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</p>	
	<p><b>AO3.3</b></p> <p>Driveways are:</p> <p>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</p>	<p><b>Not Applicable</b></p> <p>Access would be provided by the existing lawfully approved access crossover.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</p> <p>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</p> <p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p>	
	<b>AO3.4</b>	<b>Not Applicable</b>





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Performance outcomes	Acceptable outcomes	Compliance
	Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	Access would be provided by the existing lawfully approved access crossover.
<b>PO4</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	<b>AO4</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	<b>Not Applicable</b> No wheel chair accessible car parking spaces are required as part of this development.
<b>PO5</b> Access for people with disabilities is provided to the building from the parking area and from the street.	<b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.	<b>Not Applicable</b> Access for people with disabilities is not required as part of this development and was addressed as part of the original development in the site.
<b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	<b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	<b>Not Applicable</b> Bicycle parking is provided as part of the original development on the site.



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Performance outcomes	Acceptable outcomes	Compliance
<b>PO7</b>  Development provides secure and convenient bicycle parking which:  (a) for visitors is obvious and located close to the building's main entrance;  (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building;  (c) is easily and safely accessible from outside the site.	<b>A07.1</b>  Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	<b>Not Applicable</b>  End of trip facilities are not required for a Multiple Dwelling Unit.
	<b>A07.2</b>  Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	<b>Not Applicable</b>  Bicycle parking has been provided as part of the original development on the site.
	<b>A07.3</b>  Development provides visitor bicycle parking which does not impede pedestrian movement.	<b>Not Applicable</b>  Bicycle parking has been provided as part of the original development on the site
<b>PO8</b>  Development provides walking and cycle routes through the site which:	<b>A08</b>  Development provides walking and cycle routes which are constructed on the carriageway or through the site to:	<b>Not Applicable</b>  The proposal relates to the material change of use of an existing self-contained motel unit to a



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Performance outcomes	Acceptable outcomes	Compliance
<p>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</p> <p>(b) encourage walking and cycling;</p> <p>(c) ensure pedestrian and cyclist safety.</p>	<p>(a) create a walking or cycle route along the full frontage of the site;</p> <p>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</p>	<p>Multiple Dwelling Unit capable of permanent accommodation only.</p>
<p><b>PO9</b></p> <p>Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <p>(a) in accordance with relevant standards;</p> <p>(b) so that they do not interfere with the amenity of the surrounding area;</p>	<p><b>AO9.1</b></p> <p>Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.</p>	<p><b>Complies with AO9.1</b></p> <p>The existing development has been assessed as complying with the relevant standards.</p>
	<p><b>AO9.2</b></p> <p>Service and loading areas are contained fully within the site.</p>	<p><b>Not Applicable</b></p> <p>No service or loading facilities are required as part of this application.</p>



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Performance outcomes	Acceptable outcomes	Compliance
(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.	<p><b>AO9.3</b></p> <p>The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>	<p><b>Not Applicable</b></p> <p>No service or loading facilities are required as part of this application.</p>
<p><b>PO10</b></p> <p>Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p><b>AO10.1</b></p> <p>Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> </ul>	<p><b>Not Applicable</b></p> <p>No queueing or set down areas are required as part of this application.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	(d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station.	
	<b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	<b>Not Applicable</b> No queueing or set down areas are required as part of this application.



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